

## **Appendix A-1**

### **Public Comments and TLMD Staff Comments Following Issuance of Initial Scoping Document and prior to Release of DPEIS**

The following is a listing of comments received by letter, e-mail, phone or fax after release of the Initial Proposal. Where a comment cited a specific section of the Initial Proposal, it was listed in the outline below. Comments not assigned to the Initial Proposal outline were grouped by general theme and issue categories. The order of the topics / issues does not imply importance.

<b>COMMENT</b>
<b>1 Purpose of and Need for the Proposed Plan</b>
<b>1.1 Purpose</b> <ul style="list-style-type: none"> <li>The purpose of the programmatic plan on page 2 should be to establish a framework by which the agency will identify and classify lands for special use management. (SC-68.3)</li> </ul>
<b>1.2 Need</b> <ul style="list-style-type: none"> <li>Page 2, 1.2: I feel the statements are absolutely false. Resource management is still the best use of most school trust lands. Only a relatively small proportion of trust land is suitable for high return special uses. (SC-23.10)</li> <li>Page 2, 1.2: Is it accurate to consider minerals as managed for sustained yield in the same context as crops and timber? (SC-75.3)</li> </ul>
<b>1.3.1 Mission Statement</b> <ul style="list-style-type: none"> <li>The Mission Statement should be revised to include DNRC's clear commitment to protection of environmental health and community wellbeing. (SC-47.2)</li> <li>The mission statement of the Special Use Management Program should include consideration of community concerns. (SC-68.4)</li> <li>I agree with the Mission Statement in general as long as environmental factors take priority. (SC-77.7)</li> <li>We believe that the presumption in this plan that DNRC needs "to generate increased and diversified revenues from alternative management strategies" is a departure from the Trust land Management Division's existing mission statement which states, "Manage the State of Montana's trust land resources to produce revenues for the trust beneficiaries while considering environmental factors and protecting the future income generating capacity of the land." This change gives short-term gains priority over protecting the long-term trust assets. The premise of the school trust is a land-based ethic whereas the premise of the Plan is a transition from this land ethic to a strictly monetary return. (SC-69.1)</li> </ul>
<b>1.3.2 Objectives of the Programmatic Plan</b> <ul style="list-style-type: none"> <li>Page 3, 1.3.2 I don't fully agree with the objectives. First objective should be to secure "the greatest measure of legitimate and reasonable advantage to the trust beneficiaries. (SC-23.11) Fifth objective should delete "for special uses". The objective is to protect the long-term income generating capacity of the land for all uses. (SC-23.12)</li> <li>Page 3: The document states the plan will provide benefits to "DNRC, the trust beneficiaries, and the public". FWP supports this broad interpretation, and encourages DNRC to develop the plan and alternatives based on this concept. (SC-75.4)</li> <li>Page 4, Objectives: "Protect the long-term viability of trust land for special uses". FWP thinks this objective is misstated in only referring to special uses. Long-term viability for all uses should be considered. (SC-75.5)</li> <li>The phrase "generate increased revenue" in the first objective is unclear, in that it</li> </ul>

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could mean an increase "overall" (from the management of all special-uses as a collective whole) or "on each and every parcel". There is considerable difference in the two. Which is meant? If it is the former and not the latter, something should be said to that effect, to prevent anyone's shifting of the meaning from the whole to each of its parts. (SC-70.2)

- As regards the management which is to achieve such increase, are there any limiting parameters within which it must operate? Beyond the State Constitution and various laws, there is Objective 5 ("protect the long-term viability of trust land for special uses") that presumably provides a constraint. But what does the phrase mean? Any special use like (say) development of a commercial center is going to eliminate the land's potential for a good many other special uses, and do so for a long time; but I don't suppose such a use would be precluded under this objective even though it impairs the long-term viability of that land for many special uses. But apart from the State's divesting itself of ownership of the land or allowing something like industrial pollution with hazardous material, I can't think of what is intended in the objective as it is presently phrased. (SC-70.3)
- The only other objective which I see as providing some limiting context for management intent on generating increased revenue is the second one, referring to MEPA and the Montana Antiquities Act "in their most current form". But what does that mean for MEPA, given the recent legislative action to revise that act? I ask that not simply out of ignorance about what exactly the legislative action was, but also because I note in the Mission Statement a phrasing which I suppose is linked with the reference in the objectives to MEPA, namely, "while considering environmental factors". Now I know from long experience in public planning and plan-implementation efforts that in that context the term "consider" is subject to quite varied interpretation. It can mean no more than list explicitly the environmental factors involved, take note that these are present, and then dismiss them, give them no or little weight in the decision. On the other hand, it can mean to note and give significant weight to environmental factors. Does the revision of MEPA, and the use of the weasel-word "consider", mean that the agency's management actions will not take seriously the environmental impacts of its actions? (SC-70.4)
- Objectives 3, 4, 6, and 7 are process-oriented, both internally to the agency and in its relation to other agencies (local governments) and to the public. I applaud the direction of all four, but would raise a question concerning the nature of the commitment which the last two represent. In 1.6.2 you call attention to the commitment to follow the law, but in the course of doing so point to places in state law that exempt the agency from certain regulations and requirements that private entities must follow in the development of land. I have no quarrel in principle with such exemption, since I think that public agencies are meant to serve common purposes important to all citizens of Montana and that achievement of such purposes occasionally needs the superior weight provided by those exemptions. But there is to my mind another side to that status of serving a common purpose: the reason which makes those purposes weightier (that they relate directly to our common good) also requires that the public agency pursue those purposes in a spirit which is in keeping with the higher character of the purpose being served. Put generally, that means: as a public (State) agency serving a public purpose, DNRC should function and act differently from private individuals and entities, and should hold itself (and be held) to an appropriately higher standard given its nature as a public entity. The "differently" in question means (among other things) "wholeheartedly mindful of State

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government's function to support the citizens of the state" both as a whole and collectively and (so far as possible) distributively as well. Unfortunately there is an arrogance of 'higher authority' ('we don't have to follow your rules and regulations, but will do what we want regardless') that having the legal right to exemption can induce. Especially where this public agency is undertaking actions which are normally those of private entities and which for the latter are subject to certain regulations and processes that are meant to assure that private actions are consistent with or contribute to the public good, it should not stop with a merely formal commitment of itself to what objectives 6 and 7 outline. Rather as a public agency it should make a good-faith effort to achieve its own public purpose within the local context by involving the public and following the relevant local rules and regulations. That may occasionally fail to elicit support for the project as it is being proposed (initially and even after some adaptation), and the exemptions need to be invoked as a last resort. But only if the commitment to begin with was sincere and more than nominal, only if the effort to involve the public and to accommodate the local citizenry, their local government, and their locally-defined common good, was good-faith and pro-active, has the State agency acted in keeping with its nature as public and has it the moral-- and not simply legal-- right to proceed on its proposed course. (SC-70.5)

### 1.4 Scope of this Initial Proposal

#### 1.4.1 The Planning and Scoping Process

- I have three concerns: (1) the limited public participation in the scoping process (2) the lack of a mapped inventory of State trust lands, to enable DNRC staff and the public to understand how the lands are currently being used; and (3) the apparent segregation of other Trust Land Division bureaus from the planning process. My suggestions are:
  - Establish a citizens advisory committee of lessee, local government, school, business, and environmental representatives to advise DNRC staff in the development of the plan.
  - Inventory all State trust lands and map the information, as the very next step in your planning process.
  - Add a colleague from each of the other bureaus to your project planning team, or at least plug them into periodic reviews of the plan as it develops. (SC-47.1)
- The plan should focus on State trust lands within urban and urbanizing communities. These are the areas most likely to have the infrastructure needed to support more intensive development. More rural areas should be low priority. (SC-47.3)
- The plan should contain a reference guide summarizing all local and state laws and regulations that might pertain to special uses. (SC-47.9)
- Fundamentally, we want to point out that since the actions proposed by the State have implications for the health and welfare of the people of Montana, the State should ensure that all alternatives considered in the EIS are consistent with the state constitution that recognizes the right of all Montanans to a clean and healthful environment. (SC-68.1)
- To develop a plan for managing various lands, it would seem to me necessary to inventory what you have. Such an inventory would include at least a description of the location, nature, and current function(s), of the land areas involved, and in each case a characterization of the land's relation to surrounding lands and land-uses, of the way in which it is currently integrated into a context and is currently functioning in relation to its context. In particular, I think of ecological features of the land, which

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would be broader than any single parcel or set of parcels (does the land have a role in a larger natural area?), and of the socio-economic nature of surrounding land-uses (are those uses dominantly agricultural, or residential, or...?). Unless the plan is simply a reaction-guiding document, and not pro-active as a management plan can and should be, a good inventory would seem essential at the start. But I see no sign of it in the present proposal. (SC-77.1)

- In the scoping document it is unclear which lands that DNRC manages will be included and/or affected by this plan. Criteria needs to be developed that establishes which lands are going to be selected for inclusion in the Plan, not managed under this Plan, or deferred from this Plan. In other words, which lands fall under plan's jurisdiction and which don't. How many parcels of State lands are nearby or adjacent to urban areas? How many acres are likely to be considered for development within a specified time frame? How many acres of DNRC lands are considered critical wildlife habitat? How many acres have potentially conflicting land uses that are likely to occur within a specified time frame? Maps (including legal descriptions) identifying these lands need to be displayed in the EIS, as well as maps that identify any overlap or potential conflict between the State Forest Land Management Plan and this plan. (SC-69.5)
- Page 4, 1.4.1: The third paragraph references "mitigation measures found in state and federal law". Usually mitigation measures are developed by ID team members, decision-makers, and project leaders to address specific concerns. Suggest deleting "found in state and federal law". (SC-23.13)

### **1.4.2 Initial Public Scoping**

- Why do you always leave Butte out of the scoping meetings? We have more state land in southwest Montana than in other areas. Are you afraid of us? (SC-5)
- Why no meeting in Great Falls? (SC-29.1)
- The 5.2 million acres belongs to the people of Montana, as stated in the Montana Constitution. Land sales or exchanges need close scrutiny by the public (SC-22.4)
- The EIS is very important in Billings because of the checkerboard pattern of state sections in high growth areas. There has been very little public discussion of this issue here, and I don't believe the import is fully understood. Is there any possibility of getting the response deadline postponed? (SC-60.1)
- I am concerned that organizations, local government and individuals in the eastern part of the state may have been unaware of the scoping and initial document preparation of this EIS. Many local municipal and county governments are in the process of updating their land use plans and may have concerns about how state lands might conform with those plans (SC-66.1, SC-83.1)
- Since the Legislature and the current Governor has signed into law new legislation pertaining to MEPA, it is reasonable for citizens to request a time extension of the April 27, 2001, deadline. (SC-72.2)
- Since the Legislature and Governor have signed into law new legislation pertaining to MEPA, it is reasonable to request a time extension. (SC-72.30)
- I HEREBY REQUEST THAT SCOPING BE EXTENDED so that I and others may have the opportunity to more fully comment for the following reasons:
  - The last legislature made major revisions to MEPA. You have indicated in your draft that you will follow the new MEPA law. The Public needs guidance from you on how these changes will effect this project.
  - The Public has not been informed adequately of this project to provide meaningful scoping comments. (SC-77.1)

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### **1.4.3 Issues Identified in the Development of the Initial Proposal**

- In §1.4.3, the State should include water quality as an issue that needs to be specifically addressed. (SC-68.5)
- The notion of "appropriate" locations for various special uses is a very complex one, and of such nature that Issues 3, 5, 7, and 8, are really part of this issue, since they relate to the impacts of development and the local government processes for managing development of private land within that government's jurisdiction. I would suggest that the siting of this or that special use in a place involves at least two different types of appropriateness or (as it is called in 2.3.4) "suitability".
  - a. The suitability of the land physically for (support of) the use in question: for example, appropriate topography and soils for building, or suitable landscape for wildlife habitat, or land appropriate for development that features its historical role or an archaeological site and the like.
  - b. The appropriateness of the location of that use on the land in question, given the impacts on and beyond the land by the location of that use there: for example, the appropriateness of locating an industrial development on an urban site that is surrounded mainly by residential housing.
  - These forms of appropriateness are not only not the same but may be in conflict: land suitable physically for residential development may well be inappropriate for such development when its context and its impact on elements of that context are considered. (SC-70.7)
- Page 5, 1.4.3: I suggest adding an issue as follows: "Determining the best combination of potential uses that will fulfill trust obligations and minimize unnecessary adverse impacts to the human environment". (SC-23.14)

### **1.4.4 Issues Eliminated from Detailed Study**

- This plan will have limited value, at great expense, as long as it will not address all management activities occurring on trust lands. Integrated management is most efficient. (SC-17)
- It is distressing to see that the really important issues (ag & grazing, mineral, timber management) will remain "as is" and not be subjected to this review (SC-27)
- The plan should address the impact of a more aggressive special uses program on the agricultural, mining, and timber industries of Montana. Individual suitability assessments should also weigh the pros and cons of, for example, depleting the amount of land area available to local ranchers for grazing. (SC-47.8)
- DNRC is under a multiple-use management concept since 1969. This means that wildlife habitat and public access for recreation should be on equal footing with other uses (SC-22.1)
- Please include a section on managing recreation use licenses in this plan. The state is not maximizing income from this program. Where income from recreation exceeds other uses, recreation needs to become the dominant use in management considerations. (SC-10)
- I do not agree with separating general recreational use from the plan. I believe ignoring general recreational use (outside scope) while capitalizing on special recreational use doesn't work. (SC-23.7)
- While recreation permits are not covered by this plan, they should be, because changing land uses will change the availability of recreational opportunities (SC-26.3)
- Page 15, 2.3.4: Throughout the document there appears to be minimal consideration of the importance of maintaining public access. This appears contrary

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to the priority the land board has placed on access to state lands or other public lands in their exchange policy. A section should be added to list critical public access or recreational values. Often public access is desirable on the same property that has unique real estate amenities. At a minimum, the plan should consider public access easements in lieu of real estate amenities. (SC-75.13)

- Page 5, 1.4.3: The document fails to recognize public access and recreational use as major issues that need to be addressed while providing income for the trust beneficiaries. (SC-75.6)
- I do not agree with separating some ROW's from the Plan. Just because there are procedures for ROW doesn't mean we can't manage them. How about tracking down trespass use? Developing/planning corridors for use? Maybe we should secure access to all state land as part of special uses. Maybe we should identify needs for change to existing policies/procedures. (SC-23.6)
- Why are rights-of-way easements not included in this programmatic EIS? (SC-68.57)
- Page 6, 1.4.4: Managers can't ignore non-special uses of state land. There may be a need for the plan to acknowledge things such as public access through a cabin site development. (SC-23.15)

### **1.5 The Decision to be Made**

- The ROD must be issued by the Land Board not the Director of the DNRC. The Land Board cannot delegate this responsibility to the DNRC. The MT Constitution requires that the Land Board "classify land" Art X Section (4) MT Constitution. (SC-77.10)
- This Programmatic EIS is of long-term significant interest to the State and the public. The agency is the appropriate body to develop the EIS. It will guide future activities on State lands for generations to come. Therefore, given the magnitude of the decision, it is only appropriate that the fiduciaries of the trust make the final decision on which alternative is most appropriate. (SC-68.2)
- Page 6, 1.5: MEPA rules outline items a decision-maker must address. Determine if the alternatives meet objectives, if issues are adequately addressed, the need for further analysis, and selection of alternatives, significance of impacts. (SC-23.16)

### **1.6.1 Legal Framework**

- Perhaps the most important component of this EIS is what happens once it is complete. MEIC strongly believes the most consistent, judicious and accurate way to implement this EIS is through rulemaking. Therefore, we believe the State should agree that it will implement its final decisions in rules under the Montana Administrative Procedures Act. (SC-68.62)
- The reclassification process implies that in the initial process for Development of the Special Uses Management Plan can become a constitutional issue. If each parcel of land, or portfolio, is reclassified for "fair market value" based upon the current conditions of the market especially if the economic return on the land is in conflict with the desires of the public. The perception that economic values have a priority over other values seems to conflict with the Montana Constitution which states explicitly that citizens have "the right to a clean and healthful environment"(section 3. Inalienable rights). And the Enabling Statue, section 11, clearly states that revenues generated from lands granted are for the "maintenance of schools and institutions." The latter statue does not discuss the idea of "greatest Monetary return," or "fair market value" in the assessments of fees for leases. (SC-72.7)
- Another point is that economic values without an adequate MEPA process can also

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in certain cases be in violation of Federal Law. This is especially important because state property comes also under Federal guidelines and if it can be proven that the "greatest monetary return" is harmful to the environment than there will be federal consequences as well. For instance, the previous MEPA laws were stricter than the NEPA policies. The Montana Legislature has greatly weakened the public process, and it has weakened the environmental management of environmental standards. The issue of reclassification of public lands for "the greatest monetary return" might therefore be in conflict with Federal law, and again the burden will fall on the taxpayers. (SC-72.8)

- DNRC relies on 77-1-601, MCA as authority (DNRC even claims it is a mandate) to manage trust lands to maximize revenues for the several school trusts. But DNRC apparently does not recognize the limitations imposed by the last clause of the section and that in so doing the economy of the local community as well as the state is benefited as a result of the impact of such development " (emphasis added). This language clearly requires development of trust lands to ensure benefit to the local economy as well as that of the state. Before DNRC can proceed with urbanizing development of trust lands, it must ensure that a proposed development will not adversely affect a local government's tax base/revenues or the local private business sector - income, employment, and sales. (SC-81.2)
- Also, 77-1-605, MCA, in outlining types of developments on trust lands, does not specifically mention residential, commercial or industrial uses among those "contemplated." I suppose the term "may include" does not exclude urban uses, but the language, read together with 77-1-601, is certainly no mandate to urbanize trust lands located near cities and towns. In addition, the phrasing "... will develop or conserve the various state land resources..." tempers any perceived mandate that DNRC must maximize trust revenues at all cost. (SC-81.3)
- Interestingly, to my knowledge, all of DNRC's past or proposed urban developments comprise commercial, industrial or recreational uses. For some reason, DNRC has not proposed residential development. Is DNRC avoiding residential development because the department believes that it can be exempt from local subdivision review under 76-3-205 (2), MCA, an exemption for state lands under the Montana Subdivision and Platting Act? If that is DNRC's position, the department is misusing, if not abusing, the exemption to the state subdivision law. In 1975 the state lands agency wanted an exemption from subdivision review where an agricultural lessee had built a residence on state lands and the agency wanted a simple process to convey that portion of a trust tract to the lessee. Because that situation seldom occurs, the exemption, used as intended, seemed innocuous. No one ever conceived of commercial or industrial uses on state trust lands in 1975, and as a result, 76-3-205 (2), MCA, used the phrase "for residential purposes." The provision intended to limit the use of the exemption to creation of one parcel of trust land. For DNRC to develop massive high-density urban commercial subdivisions under this exemption is absolutely improper. (SC-81.7)
- Does the language in 77-1-601 and 77-1-605, MCA, provide legal authority for DNRC to develop urban uses on state trust lands? Does the statute mandate that DNRC proceed with urbanizing trust lands? (SC-81.10)
- State lands must be managed to meet the MT constitutional right to a clean and healthful environment: "ARTICLE 11. Section 3, and the obligation of the state and, each person (sic to) maintain and improve a clean and healthful environment in Montana for present and future generations." ARTICLE IX. Section 1. (SC-77.4)



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- From the clear meaning of this language (Enabling Statute, Sections 10 and 11), the following is true:
  - Granted land was never placed in trust for the schools rather it was given to the state.
  - Proceeds from granted land dispositions (defined as proceeds what would be done to private land through eminent domain, namely sale or easement) had different requirements than proceeds from leases. Both required that moneys derived be placed in a fund for the support and maintenance of schools. But only moneys derived from dispositions not from leases were required to be at fair market value.
  - There is no trust expressly created by the language of the grant. If there is a trust impliedly established for the schools it is from the funds acquired not in the land itself.
  - The land granted except for the restrictions placed on it is subject to the discretion of the state.
  - There is no requirement that lands be disposed of or leased but only that if they are that the state receives the fair market value for dispositions and whatever income is generated by lease and that that money received be set aside for the purposes required of those moneys in the grant.
  - The words revenues or obligation to produce fair market revenues do not appear in the enabling language in reference to granted lands.
  - Not requiring disposition or lease of land was intentional, thus leaving the states to decide whether lands would be disposed of, leased, or retained. And allowing the State to determine the factors necessary in making these determinations. (SC-77.5)
- From the clear meaning of this language (Montana Constitution, Article X. Section 11), the following is true:
  - Granted land is public lands of the state.
  - Granted land is held in trust for the people.
  - If granted land is disposed of it is to be at fair market value and the moneys thereby derived are to be used for the purposes specified in the grant.
  - Disposal includes not only the meaning of disposal under the enabling legislation but also by lease (i.e. "such land or an interest or an estate therein").
  - There is no requirement that lands be disposed of but only that if they are that the state receives the fair market value therefore and that that money be set aside for the purposes required of those moneys in the grant.
  - The words revenues or obligation to produce fair market revenues do not appear in the MT Constitution in reference to granted lands. (SC-77.6)
- The Montana Constitution, Article II, Section 3, and Article IX, Section 1 cite the right to "a clean and healthful environment". In my opinion these come first. Although Attorney General Woodahl came to an opposite conclusion in his opinion (Volume No. 36, Opinion No. 92 July 7, 1976): "While the Enabling Act does not say in so many words that the state is under a duty to sell or lease school trust lands, it is elementary that this trust be administered so as to secure the largest measure of legitimate advantage to the beneficiary." at 512. Times have changed since the grants to the State of MT. Mr. Woodahl's opinion in relying on decision rendered prior to the 1972 Constitution did not have the opportunity to consider the changing attitudes of the people in Montana as expressed by the 72 Constitution. (SC-77.15)
- The Montana statutes governing the management of school trust lands state: These

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<p>lands and funds are held in trust for the Support of education and for the attainment of other worthy objectives helpful to the well-being of the people of this state. The board shall administer this trust to secure the largest measure of legitimate and reasonable advantage to the state (MCA 77-1-202). Hence, the proposed plan must not emphasize economic income to the detriment of other "legitimate and reasonable advantage to the state". Such other "worthy objectives" Include the maintenance of ecological systems that purify air and water, sequester carbon; cycle nutrients; regulate carbon: and provide habitat that allow for the maintenance of biological diversity essential to the ecological integrity and productivity of ecosystems. (SC-62.1, SC-63.1)</p> <ul style="list-style-type: none"> <li>• On page 7, it discusses how the income generated from school trust lands goes "directly" to schools. This should more accurately reflect the reality of the school funding mechanism. That money goes to the general fund and then is indirectly distributed to schools. (SC-68.6)</li> <li>• Page 7, 1.6.1: It would have been useful to include the Enabling Act as an appendix. This would allow the public a broader understanding of the trust mandate. (SC-75.8)</li> </ul>
<p><b>1.6.2 Applicable Regulatory Requirements</b></p> <ul style="list-style-type: none"> <li>• DNRC should comply with all local growth policies and local planning, zoning and subdivision requirements (SC-1, SC-31.3, SC-32.3, SC-34.2, SC-38.3, SC-39.2, SC-41.2, SC-42.2, SC-44.3, SC-46.2, SC-47.10, SC-54.2, SC-56.4, SC-57.6, SC-60.2, SC-64.3, SC-65.2, SC-77.8, SC-80.6, SC-81.9)</li> <li>• If the State finds itself unable or unwilling to comply with local policies and regulations it should seek a variance from the local government under the appropriate local regulations. (SC-68.39)</li> <li>• Please detail how local planning regulations will impact the depth of a MEPA analysis. What would be the outcome of a programmatic analysis if a local planning board has zoned an area of critical habitat for commercial or residential development? It seems that deference to local planning regulations could provide a large MEPA loophole. (SC-63.3)</li> <li>• Wouldn't it be in the best interest of Montana for the State Land Board to require any urban development of trust lands to (1) be approved by the local elected officials, (2) comply with local plans and growth policies, (3) be approved under adopted local land use regulations, and (4) be approved by the State Land Board? (SC-81.15)</li> <li>• In § 1.6.2 the State should more clearly state the law regarding zoning. This does not inform the reader that DNRC is exempt from zoning requirements. (SC-68.7)</li> </ul>
<p><b>1.6.3 Relationships to Other Plans</b></p> <ul style="list-style-type: none"> <li>• What if there are conflicts between the final EIS and the State Forest Plan? (SC-68.58)</li> <li>• Review all adopted local plans, specifically transportation plans and consider granting trail and open space easements prior to disposition. At a minimum, inform local governments and/or land trusts and allow them right of first refusal prior to disposition in exchange for long-term protection of open space. (SC-83.2)</li> <li>• The plan should include a policy whereby each special use permit would reflect the prevailing land use in the area, and not introduce a land use change of greater intensity. In other words, DNRC special uses management decisions should reinforce existing development patterns. The exception to this would be where a locally adopted plan targets an area for new types of land uses. (SC-47.4)</li> <li>• The State should require transportation plans for all parcels of property. In many</li> </ul>

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<p>situations where the parcel is small, a transportation plan will be simple. However, in large scale development or development with high traffic flows this is critical for protecting public safety and air quality. (SC-68.29)</p>
<p><b>2.1 The Montana Environmental Policy Act (MEPA):</b></p> <ul style="list-style-type: none"> <li>• Clarify the relationship between the EIS and pending legislation (SC-31.7, SC-32.7, SC-36.4, SC-38.6, SC-39.8, SC-40.6, SC-41.8, SC-46.6, SC-54.8, SC-56.6, SC-68.55, SC-69.2)</li> <li>• You did not mention the public review of the sale or exchange of school trust lands as required by MEPA. This is important because there have been several illegal exchanges which actually lost revenue to the school trust. (SC-12)</li> <li>• Where and when will MEPA be applied in the proposed lease process? (SC-2)</li> <li>• Cumulative impacts should be thoroughly addressed. Impacts to water quality and soil productivity and compaction should be addressed. Impacts to Populations of wildlife and their habitat should be thoroughly reviewed. Threatened, endangered, and sensitive species should be granted particular consideration. Impacts to aquatic species should be thoroughly analyzed. (SC-62.7)</li> <li>• What is the mechanism for addressing cumulative effects? We request that all alternatives ensure an adequate cumulative effects analysis that examines past, present and reasonably foreseeable activities. We also request that any cumulative effects analysis include an analysis of associated and anticipated activities by other land owners. (SC-68.53)</li> <li>• Cumulative impacts of special uses which might result in urban sprawl should be analyzed. (SC-67.9)</li> <li>• A CUMULATIVE EFFECTS ANALYSIS setting forth what would be the Cumulative environmental effects of the various alternatives proposed needs to be made. (SC-77.12)</li> <li>• How will cumulative impacts be analyzed? (SC-69.9)</li> <li>• Recent changes to MEPA means that MEPA is no longer sufficient to protect and enhance the human environment as required by the MT Constitution. Therefore, your agency no longer has an adequate and meaningful procedure to follow to guarantee our constitution right to a clean and healthful environment. Furthermore, legislatively mandated actions will guarantee degradation of the environment. (SC-77.2)</li> <li>• You need to provide a NEPA process to the questions you have raised since MEPA is no longer adequate to the purpose. (SC-77.3)</li> </ul>
<p><b>2.2 Alternative A:</b></p> <ul style="list-style-type: none"> <li>• No Action is not acceptable (SC-20, SC-72.1)</li> <li>• This would be my preferred plan at this time. (SC-21)</li> <li>• At this point in time, Flathead Audubon will support Alternative A. The other alternative to aggressively market special uses has us concerned. In time, DNRC could easily get a bad reputation for its "rollercoaster ride" (re: lease/license fees) that no one will consider a lease or license. Additionally, DNRC could inadvertently destroy the trust's principle (the long-term health of our state's natural resources) which will benefit no one. (SC-26.5, SC-56.8)</li> <li>• The No Action Alternative is not a correct statement of the current obligations of the DNRC in the management of granted lands. The language used in the descriptions show a development bias and do not mention mitigation for environmental concerns, for example, on page 7 of your "Initial Proposal" you state: under the direction of the Land Board DNRC's obligation for management and administration of trust lands is</li> </ul>

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to obtain the greatest benefit for the school trusts. The greatest monetary return must be weighed against the long-term productivity of the land to ensure continued future returns to the trusts. (emphasis added)" Although future returns is a factor, another more important factor IS the effect of development on the human environment of the proposed action for current and future generations. This important concern is omitted. Further, this statement assumes that the lands themselves are in the school trust and must produce fair market revenue for the schools. I believe this view to be incorrect. (SC-77.13)

### 2.2.1 Existing Program Special Use Categories

- Pages 8 – 10, 2.2.1: The categories of use are not the same as in 2.3.5. I am not real comfortable with categorizing uses. The categories seem arbitrary. Where do homesites fit in? I'm not comfortable with differentiating primary and secondary uses as expressed in leases vs. land use licenses. This system is inherited baggage. Can't we be a little more creative and change this system in our plan? I disagree with the restricted easement definition for the plan. I believe it should include all easements, with the possible segregation of easements for condemnable purposes. (SC-23.17)
- What is fair market value? Page 9 of the draft states, "DNRC may retain open space, aesthetic, or recreational values on trust lands, provided that the trust receives the fair market value of the management rights forfeited by DNRC." This sounds like a policy statement that requires further elucidation. Is the State required to receive fair market value on every management decision it makes or can it forego maximum revenue to ensure long-term benefits to the trust? How will the State require fair market value for open space and wildlife habitat? What is open space? In any development there should be some open areas. Is this open space? Who will pay fair market value, the land board, the agency, the legislature, local government, individual citizens, someone else? What if the State decides that it does not have the resources to develop a section of "open space" now but will in the future? Who should pay and how much should they pay? What if the State decides that an area will be far more valuable for development in 10 -20 years and therefore decides to leave it as open space or wildlife habitat in the interim? Will the State be forced to develop that property in a low market just to satisfy some arbitrary requirement that it get fair market value now? Again, who should pay? This requirement in the definitions raises far too many questions and should be eliminated. (SC-68.14)
- On page 9 of your "Initial Proposal" you state: "Wildlife ... may defer management activities to protect wildlife habitat, provided that the trust receives the fair market value of the management rights forfeited by DNRC" "Open space ... DNRC may retain open space, aesthetic, or recreational values on trust lands, provided that the trust receives the fair market value of the management rights forfeited by DNRC." There is no such requirement to receive fair market value. (SC-77.14)
- In the description of the categories of special use (pages 8-9), there is in two places (one in the characterization of wildlife habitat, the other concerning open space) the qualifying phrase: "provided that the trust receives the fair market value of the management rights forfeited by DNRC". What could that possibly mean? I understand the notion of land as involving a bundle of rights, separable from the whole and from each other; but I have never heard of a "management right", let alone of a market for such rights. But suppose there is such a right, why would the notion of "forfeit" not apply to every special use? If he is to gain his right to develop his special use on public land, does not any special use developer (whether

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residential, commercial, industrial, recreational, or whatever) require the State to forfeit its right to manage the land in question for any other special use? Why should that developer not also pay the State fair market value not only for the right to develop his special use, but also for the management rights forfeited in his case? What seems implicit here is a notion that, because trust-land was granted in order to support the schools, its only meaning and value as public land is its revenue-return; that means that unless wildlife habitat and open space are income or revenue producing, they are not legitimate special uses and provide no legitimate management alternatives for the public land in question. If that is so, I would think that a prudent manager would sell such land and use the proceeds to acquire other land that would be income or revenue producing. Given the market for land, that probably means getting much less acreage; perhaps more could be acquired by (a two-party or three-party) trade. But I find it hard to think that the income generated by lease or license or whatever device is appropriate for maintaining open space and wildlife habitat would come anywhere near bringing a return equal to what could be gained from the much smaller parcel(s) obtained by sale or trade and developed in one or more of the four remaining special use categories. (SC-70.8)

### **2.2.3 Existing Program Processes**

- Page 10, 2.2.3: I question land sale and exchange as special uses, although this may be the best place for them. In reality they are processes to achieve property management objectives. They also apply to agriculture, grazing, minerals, recreation, and forest management as well as special uses. We need to make sure we aren't just proposing to do things based upon how we have done them in the past. (SC-23.18)
- In § 2.2.3 the State should provide significantly more detail regarding its portfolio management functions. Please describe what you do now in the arena of researching market conditions and trends, marketing commercial lands, and contributing to infrastructure improvements. (SC-68.8)
- Page 11, 2.2.3: "A competitive bid process conducted through a Request for Proposal may be used to solicit competitive bids for special uses". At Elmo, FWP was outbid, the lessee closed out, and DNRC has no lessee. FWP has also discontinued leases because of increased lease rates. How will DNRC evaluate the potential for competitive bidding processes that may result in long-term damage and reduced trust revenue? FWP suggests that competitive bids should be awarded based on the ability to manage activities in a way that is in the best long-term interest of the trust revenue and resource protection. (SC-75.9)

### **2.3 Alternative B:**

- I generally favor Alternative B (SC-9)
- Page 12, 2.3: The proposed alternative would mean "more active and aggressive marketing of special uses". The EIS should address how much this would cost in terms of program expenditures. Increased expenditures should be weighed against increased revenues to the trust beneficiaries. (SC-75.10)
- Under Alternative B, recreational opportunities will only go down, and in time, will become minimal, thus rendering the recreational permit nearly worthless, which will also affect DNRC's ability to manage the trust fund (SC-26.4)
- Alternative B has many shortcomings (SC-72.2)
- The Montana School Boards Association (MSBA) supports Alternative B, however, we also recognize DNRC's obligation is not only to obtain the greatest benefit for the school trust in the short-term, but to consider the long-term productivity and value of

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<p>the land to ensure future returns to the trust. (SC-74.1)</p> <ul style="list-style-type: none"> <li>• Please describe what you mean in § 2.3 by "more active and aggressive marketing?" (SC-68.9)</li> </ul>
<p><b>2.3.1 Program Goals</b></p> <ul style="list-style-type: none"> <li>• Page 15, 2.3.1: The third bullet should include income, risks "and impacts". I agree with diversification of uses, but don't feel special uses are suitable for a large percentage of the land base. We should focus on the limited high value opportunities. (SC-23.19)</li> <li>• Page 15, 2.3.1: Outlining the desired balance of "the long-term productivity of the land to ensure continued future returns to the trusts (page 7) also needs to be a goal of the program. Economic uncertainties of various leasing scenarios should be built into the analysis. (SC-75.11)</li> <li>• In 2.3.1 (Program Goals), six of the seven goals are financial; only the second is not (it concerns consistency in management of special uses on trust lands). That reflects the current emphasis on increasing revenue. But when the original "for the support of common schools" is translated into "generate revenue" and now into "increase revenue as much as possible", something is being ignored. Trust-land can support schools in other ways than revenue production: for example, some land is suitable for the location of school buildings and facilities; for another example, some lands can become laboratories for school-children's use in biological (botanical, zoological), historical and cultural, studies. Just as 'highest and best use' of land is not always the use that brings the greatest monetary return, so management of public lands to support schools is not always management for the most money, especially if this involves disregard of impacts on and costs to those in a local area affected by that management effort. (SC-70.9)</li> </ul>
<p><b>2.3.2 Program Objectives</b></p> <ul style="list-style-type: none"> <li>• Page 15, 2.3.2: The optimal future use of the land is an unclear concept. What is it that will be optimized? A variety of optimization scenarios should be evaluated in alternative development. (SC-75.12)</li> <li>• Section 2.3.2 states that environmental review is required by local authorities in planning and subdivision review. Meaningful analysis rarely occurs due to lack of resources available, standards of analysis and lack of state level review. The state should not rely on local environmental review without thorough review. (SC-67.5)</li> </ul>
<p><b>2.3.4 Land Suitability Criteria</b></p> <ul style="list-style-type: none"> <li>• Page 15, 2.3.4: I don't like the criteria "No longer feasible to be managed for natural resource production". There is a connotation that all uses are exclusive. I also do not like the criteria "suitable for sale or exchange". The reader has no idea how this is determined. (SC-23.20)</li> <li>• On page 15 of the scoping document DNRC has identified Land Suitability Criteria several of which may potentially conflict with each other (i.e., grazing or mineral, crop and timber production vs. lands with real estate amenities such as views or water frontage vs. critical wildlife management, plant community, archeological or paleontological resource areas). How does DNRC intend to resolve conflicts if, for example, an area along a bull trout spawning stream is deemed to have high real estate value? A mechanism for conflicts must be developed and included in the final plan. (SC-69.4)</li> <li>• It is unclear in the document how conflicts in land use are to be resolved. Page 15 of the scoping document discusses land suitability criteria but does not discuss how to</li> </ul>

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resolve conflicting uses. If for example, an area is critical elk winter range and a potential mine site -- what is the process for deciding between these two competing uses? (SC-68.44)

- In 2.3.4 (Land Suitability Criteria), the list of ten criteria seems to be somewhat haphazard, but this is so partly because it is addressing very different things under the same name. There is a horizon within which the criteria appear: the overall horizon of trust-land which needs to be managed in such way as makes it contribute to the support of public schools.
  - a. The first land-suitability criterion would come to light with the question: Can this-or that parcel of land be managed so as to contribute to that end? If it cannot, then it is unsuitable to retain, and thus "suitable for sale or exchange".
  - b. After sorting out lands according to this suitability-for-retention criterion, the next criterion comes to light with the question: How can it be managed so as to make the best contribution to that end? It is likely that any parcel can contribute under several different management alternatives; in particular, there are the variety of alternatives that involve general uses (timberharvest, agricultural crops, mineral production) and others that involve various special uses. At this point there are several variables that bring to light several criteria.
  - 1) The first variable relates to physical character, and the land's ability (because of its inherent character) to make a contribution in these ways but not in those: certain topography and soils may make a parcel unsuitable for building structures, but make it suitable for wildlife habitat. Different uses require different land-features for them to be possible, and land can be sorted out and classified according to the uses which its physical features make possible. This is a physical suitability criterion.
  - 2) The second variable relates to the relative location of the land, and its functions (actual and possible) in virtue of that location. Here there are different levels on which one can speak of such functions: the physical and ecological, the social and political, and the infrastructural and developmental, for example.
  - (a) On the physical level, the land may play a role in larger eco-systems which reach quite beyond the parcel itself. that could make it suitable for management with an eye to wildlife or plant communities. Having a role in one or more ecological systems makes land be suitable for management with that value in mind-- management for wildlife habitat, say. The other side of this is that if land does play a significant ecological role, management for other uses can produce impacts on the trust-land which reach beyond it, and affect the viability of larger eco-systems that make the land not an isolated parcel without significant connection with anything beyond its boundaries. We could call this the physical-location suitability criterion.
  - (b) On the social and political level, the land is located in a context that may include other public land but is likely to include private land. And here several criteria are visible. (1) If it lies within a local government planning jurisdiction, there are the questions concerning the way local plans identify the suitability of the private land for use or development; from the perspective of those plans, what management possibilities would enable the uses of trust-land to fit with those of the local planning/zoning? Would a proposed use produce conflicts-- in particular, those of the sort which zoning is meant to reduce? Here suitability concerns this matter of the fit of uses, where the context of use is established by local government. We could call this local planning suitability criterion. (2)

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Whether or not the land lies within a local government planning jurisdiction, it lies in a context of lands, land-ownerships, and established uses (what is actually happening, not what the plan calls for in future), and within the jurisdiction of some local government. That context may be rural, semi-urban or urban, or of a number of other kinds. The current functioning of such a context involves social and economic values that are important for the people in question; it also involves taxation to support and maintain the local public facilities and amenities that support the life of the people there. Whether or not a proposed management-use of trust land in their midst is suitable is in this case a function of what the impact of uses/changes on trust-land is-and is seen to be. Does it raise local taxes because of road improvements required to handle trust-land traffic? Does it diminish the quality of life desired by the people already there? etc. etc. Here suitability concerns the fit of the proposed management-use of trust-land with such a context, the degree of harmony of the impacts of that management-use on what is actually there. We could call this local use-context suitability criterion.

- (c) On the infrastructural and developmental, the land and land-use context for trust-land may involve actual (or planned) infrastructure and actual (or planned) development that makes a management alternative feasible whereas if the actual physical-and-use setting were different it would not be. We could call this local-development-context suitability criterion.
- c. Supposing that several different uses of any trust-land might be more or less suitable in terms of the preceding criteria, there is need as well for two final suitability-criteria, relating to the degree of a management alternative's contribution to the support of public schools, and to the measure in which each alternative succeeds in maintaining the long-term viability of the land in question for contributing to the support of the public schools. In both cases, the way the current proposal is being developed, it comes down to which alternative makes the most money for the schools and does so in a way that maintains the capacity of the land to continue making money. (I would not agree that that is the proper aim of agency management of trust-land; properly, the aim should be to make the greatest contribution to the support of the schools, without that contribution being measured simply in terms of revenue). We could call this the overall school-support suitability criterion. Any assessment of potential in this regard is of course complex and risky, but some standard by which to measure alternative management-uses in their contribution to the end or purpose of the agency's action is needed. (SC-70.9)

### **2.3.5 Program Processes to Assess Project Suitability**

- Pages 16 – 18, 2.3.5: Categories of uses are not the same as in 2.2.1. (SC-23.21)
- § 2.3.5 needs some update and clarification. Please discuss the exemption the State has from local zoning requirements. Please update the discussion on subdivision review based on the most recent changes to the law made by the 2001 Legislature. In addition, the section on subdivisions should discuss the exemption the State has from most subdivision review. (SC-68.10)
- The definition of "suburban" on page 17 should include the fact that it is supposed to be near an urban area. Suburb in Webster's dictionary means "an outlying part of a city or town." The definition used in the document makes it sound like a suburb could occur in the middle of nowhere. This is contrary to the definition. (SC-68.11)
- As it is written (e.g., Appendix K), it appears that the agency may value the land and



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<p>develop a marketing plan after an application is initiated. This analysis process, to the extent that it is an analysis, is too vague and comes too late in the process to provide any meaningful guidance. DNRC should draft alternatives to address these questions:</p> <ul style="list-style-type: none"> <li>▪ What is the current value of the trust assets? What is the projected future value of the trust assets? How are the assets valued? What are the characteristics of a valuable asset?</li> <li>▪ What criteria will the agency apply to manage the portfolio?</li> <li>▪ What economic model will the agency use to calculate benefit and the risk? What economic model will it use to project profitability in the long-term?</li> <li>▪ If the state intends to take more active role in management and development, how does the agency intend to calculate the cost of management in the profitability of the project? (For example as you learned in Billings, developing housing is much more labor intensive than managing a pasture.)</li> <li>▪ Has the state applied certain criteria (perhaps like the coarse filter) that consider economic value and future growth trends?</li> <li>▪ Does the state have a mechanism for reviewing the lands that have been designated as transition lands?</li> <li>▪ How will the value of the trust asset be enhanced? How will the enhancement be measured? (SC-78.6)</li> </ul>
<p><b>2.3.6 Relationship to MEPA</b></p> <ul style="list-style-type: none"> <li>• Page 18, 2.3.6: The first sentence needs to include a reference to the significance of impacts. Just because a project is mitigated doesn't mean it doesn't have significant impacts. If a project has uncertainty regarding the significance of impacts, an EIS must be completed. (SC-23.22)</li> </ul>
<p><b>Comments Addressing Alternatives or Suggesting New Alternatives:</b></p>
<p><b>General:</b></p> <ul style="list-style-type: none"> <li>• I question whether Alternatives A &amp; B are legal (SC-22.3)</li> <li>• Look at how other states manage their trust lands (SC-31.5, SC-32.5, SC-34.4, SC-36.3, SC-38.5, SC-39.6, SC-40.4, SC-41.5, SC-42.5, SC-44.2, SC-54.4, SC-64.7, SC-78.8, SC-80.1)</li> <li>• The two alternatives developed in this scoping document appear to be a narrow interpretation of the trust land management mission. The development of the EIS should include some discussion of the discretion allowed within the trust mandate and a full range of reasonable alternatives developed for management of special uses on trust lands. (SC-75.1)</li> <li>• The EIS should include a detailed description of the affected environment. As it is written now there is little discussion of the physical environment. For example, how many parcels of State lands are nearby or adjacent to urban areas? How many acres are likely to be considered for development within a specified time frame? How many acres of State lands are considered critical wildlife habitat? How many acres have potentially conflicting land uses that are likely to occur within a specified time frame? The State should adequately describe (and map) the areas it manages. The State should thoroughly describe the affected environment, the potential cumulative effects of its alternatives, and provide an accurate inventory of the major resources that will be affected. (SC-68.46)</li> <li>• In the public meeting discussing this document, the State said it would look at existing conditions. It was unclear what the State meant by that statement. There needs to be a mechanism for the state to identify all of those parcels that are within a</li> </ul>

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certain distance (i.e., 10 miles) of urban areas, investigate their development potential and prioritize them for development. That is the only way the state can be proactive in the development of these parcels. Without this level of analysis the State will constantly be in a reactive mode toward development and that is what this EIS should be trying to avoid. (SC-68.47)

- The State needs a database that shows where certain uses are located. For example, DNRC needs a database on where conservation easements are. (SC-68.48)
- The EIS should include a thorough discussion of the proposed mitigation and monitoring plans associated with each alternative. For example, in the hypothetical scenario where the State chooses to aggressively market and develop its school trust lands in the urbanizing areas, how does the Department propose to control the spread of noxious weeds? How will the Department ensure that water quality is not degraded in nearby waterways? What type of monitoring protocol will be followed? What about enforcement measures? How will the Department ensure compliance with mitigation? (SC-68.50)
- MEIC is concerned that while DNRC appears to be embarking on an ambitious program to develop State lands that they may not have the staff and resources to carry out the proposal. The EIS should fully disclose the budgetary considerations associated with each alternative and a realistic assessment of whether resources will be available to adequately implement each proposed alternative. (SC-68.51)
- Rather than increasing the intensity of development, DNRC should consider increasing rates charged for current levels of activities. (SC-68.52)
- The State should develop alternatives that consider non-consumptive and nonextractive uses and that yield benefits to school children and the general public in the form of educational opportunities. (SC-68.54)
- DNRC should develop alternatives that can make use of these lands in a manner that provides direct educational benefits to schools and school students such as outdoor classrooms and study sites. These activities might provide more long-term "benefits" to the schools and the trusts. (SC-69.8)
- The EIS must identify the duration of the plan, how changes will be made to the plan and monitoring criteria developed to identify when changes need to be made. Criteria for changing the status of lands currently deferred from being included in this plan also need to be developed. (SC-69.6)
- The proposal is reactive rather than proactive. The existing and proposed processes outlined in the Appendices are triggered by an application, usually from an outside party. Instead of waiting for a proposal to come forward, DNRC should initiate the evaluation process on all of its lands and other trust assets in order to evaluate and assess the lands. It should determine what the asset is worth, determine its potential uses, prioritize the potential uses, value the potential uses with an economic model, and then actively target those types of uses. (SC-78.7)
- End Commercial, Industrial and Recreational activities as they expire. Leave state lands alone (SC-3)
- The suitability analysis should consider eliminating inappropriate uses. Special consideration should be given to leases in forested areas which might prevent or limit natural or prescribed forest fires. (SC-67.6)
- Explore a range of alternatives (SC-23.5, SC-31.4, SC-32.4, SC-34.3, SC-36.3, SC-38.4, SC-39.5, SC-40.3, SC-41.4, SC-46.4, SC-54.4, SC-56.1, SC-57.4, SC-64.6, SC-65.6, SC-69.3, SC-78.1, SC-80.2)

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- Plan implementation. I have two concerns: (1) DNRC will not have the funds and specialized staffing necessary to implement the plan effectively; and (2) The public will be left out of site-specific special use permitting processes in rural areas. My suggestions are:
  - Besides the DNRC planners recently hired, expertise in real estate development, marketing, public involvement, conflict resolution, conservation easements, and local government finance will be critical. The plan should include an in-house staffing and funding strategy in its implementation section. The plan should also include a commitment to regular program evaluation and, as needed, plan revision. A five-year cycle would be reasonable. Public involvement should be built into the regular plan and program reviews.
  - Each Area Office should establish an ongoing citizens advisory committee, to advise DNRC staff on implementation of the Special Uses Management Plan. (SC-47.11)
- An additional Alternative C might be created that would deal with the role of adequate public participation in the reclassification process and meeting the standards set forth in our Montana Constitution. Therefore I request that the DNRC creates an additional Alternative C in its Initial Proposal for a Special Uses Management Plan and extends the deadline. (SC-72.9)
- The agency should draft an alternative that includes an initial evaluation process, like the coarse screening with an economic feasibility component, for all trust lands. It should assess the potential uses, value the property and determine a range of possible uses. Once the range of uses is identified, it should approach the local community for input. Lands that are transitional or urbanizable should be categorized as transitional lands (or a similar designation and then the state should develop a management plan, including an economic analysis, for those lands in particular. If the state had a specific plan and long-term and short-term management strategies, the agency would be more able to actively market and participate in the management of the lands. (SC-78.4)
- Additional alternatives should be considered by this EIS. I would suggest the following:
  - CONSERVATION ALTERNATIVE setting out a method to best protect granted land from environmental degradation whenever special uses are considered.
  - AN ALTERNATIVE providing for public input prior to any special use designations being made or lease, exchanges or sales being granted and providing for Land Board decision making. (SC-77.11)

### GENERAL CATEGORIES:

#### Land-use Issues:

- Special uses should be compatible with surrounding areas. (SC-16.3)
- Special uses should be appropriate public uses of the areas (SC-16.4)
- Access (SC-15.1)
- Boundary markings (SC-15.2)
- Steer development toward areas close to existing population centers where infrastructures already exist, instead of promoting fragmentation of wildlife habitat (SC-33.4)
- Give consideration and advice to the urban area government so as not to be at odds with local area plans for development. (SC-53)
- Land trusts often work closely with local governments in their effort to develop

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"liveable communities" with plenty of green space and trail corridors. It is these kind of amenities that will make Montana communities competitive with others that are attracting new businesses and industries. State school sections near urbanizing areas should be considered within this broad economic picture and not simply for their potential to be developed as commercial, industrial or residential. In the EIS, please examine and allow for creative approaches and partnerships to provide both a mix of income and green space. (SC-66.4, SC-83.4)

- Any development should occur within Great Falls city limits as opposed to sprawl outside those limits, which is already a concern with the City-County Planning Board. (SC-71)
- Because almost all trust lands that might be developed for urban uses lie at the outskirts of cities and towns, won't residential, commercial and industrial development on such trust lands contribute to urban sprawl, increasing the costs of extending water and sewer and other services and weakening existing downtown business districts? Doesn't developing outlying lands conflict with sound planning, which tries to direct new growth into existing urban areas that have services already in place? (SC-76.2)
- The plan should include a policy whereby the impacts of a special use permit on local government and other local service providers (e.g., road systems, fire protection, law enforcement) would be estimated and fully mitigated. (SC-47.5)
- Region-by-region, the plan should include an evaluation of State trust lands for suitability for the broad categories of land use. The suitability assessment should involve local government officials, planning boards, and planning staffs who can best apply their local land use policies and regulations to a given situation. A suitability map should be prepared and included in the plan. The map would identify "prime" lands for residential, commercial, public/quasi-public, recreational, and conservation potential. If the plan itself does not do this, then this should be Plan Implementation Step #1, to be accomplished by each Area Office through a public process before new special use permits are issued. (SC-47.6)
- There should be a square footage cap on all developments. Very large retail stores can be difficult to re-lease. These types of structures are usually built to suit the particular needs of one company. The State should do everything it can to guarantee that the property will be easy to re-lease. (SC-68.18)
- How would a transfer of development rights system work if an area is not subject to zoning? (SC-68.36)
- In large developments that are constructed over many years, the State should have an established phase-in criteria. The State should not allow a developer to begin phasing in a new area until the previous area is at least 80 percent constructed. This will help avoid leap-frog development. Most communities want to encourage infill development. The State should do what it can to assist communities in that endeavor. (SC-68.37)
- The proposal fails to provide overall criteria for prioritizing uses on trust lands. While the proposal does provide more criteria by which to judge individual projects, it does little to guide the treatment of trust lands, as a whole. In order for the state to manage lands profitably, it must develop and adopt criteria for valuing the assets of the trust and for managing for the highest and best use. For example, how will the agency decide which uses are more valuable, which uses are less valuable? What are the characteristics of a desirable use--non-polluting? Provides high paying jobs for the community? Highly profitable in the short term? Right now, the-state simply

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<p>relies on the assurances of the developer that the project will be successful. Without an overall program for managing the assets of the trust, no meaningful prioritization can be conducted. (SC-78.2)</p> <ul style="list-style-type: none"> <li>• The state needs additional criteria to determine which properties to avoid and which to target for future development. Such criteria should include but not be limited to such things as: <ul style="list-style-type: none"> <li>▪ determining whether the department has adequate resources to manage the property, especially if problems develop;</li> <li>▪ growth patterns of the community;</li> <li>▪ What type of zoning exists on the parcel;</li> <li>▪ Whether development is anticipated in the community's growth policy</li> <li>▪ What type (residential, commercial, industrial, professional) of development is appropriate according to growth policies, zoning or existing development;</li> <li>▪ intensity of development that is appropriate;</li> <li>▪ community values for the property;</li> <li>▪ environmental constraints of the property;</li> <li>▪ Opportunity costs, i.e., developing now versus developing in 10 or 20 years;</li> <li>▪ financial risk of development;</li> <li>▪ ability of community to absorb the use;</li> <li>▪ use of surrounding properties; and</li> <li>▪ distance from urban area. (SC-68.43)</li> </ul> </li> <li>• Should DNRC proceed with urban development proposals if the proposals compromise, diminish, undermine or conflict with local plans, policies, assets, and values? (SC-81.11)</li> <li>• Wouldn't it be in the best interests of Montanans if trust lands were developed, traded or leased for such community benefits as sites for water/sewer facilities, landfills, transfer stations, or to provide affordable housing? (SC-81.13)</li> <li>• How can local officials and citizens influence development of trust lands? How can cities and towns and citizens protect local values where a DNRC proposal harms or conflicts with local plans, policies and interests? (SC-81.14)</li> </ul>
<p><b>Public Access and Recreation:</b></p> <ul style="list-style-type: none"> <li>• Real estate and wealthy out-of-state landowners want our public state lands to block access to federal public lands (SC-22.5)</li> <li>• Accessible state lands should not be in the BMP (SC-22.7)</li> <li>• Recreational pursuits (SC-15.3)</li> <li>• Prioritize ecologically sensitive lands for protection, especially those that are critically important for wildlife uses and those of unique recreation value (SC-33.2)</li> <li>• State land snowmobile trails need to continue on state lands (SC-45.1)</li> <li>• ATV trails need to be designated so people have an idea where they can go (SC-45.2)</li> <li>• All roads developed, exchanged or leased should be open to the public. (SC-68.32)</li> </ul>
<p><b>Public Involvement:</b></p> <ul style="list-style-type: none"> <li>• I recommend that all persons who provide an e-mail address be informed electronically to offset the impact of paper going to landfills (SC-4).</li> <li>• Although the general objective, or mission statement, might be laudatory, it is the lack of grassroots public decision which is lacking in this initial scoping process. It has many implications which are obviously not in the interest for the people of Montana. Consideration of the value of production whether for timber, gas or oil, real</li> </ul>

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estate near urban arm, grazing, recreation, or for whatever reason the DNRC leases, exchanges, or sells land, it calls for a continued reclassification process of school trust lands, and this is solely within the discretion of the governmental agency which has reserved the right to determine the economic conditions of the marketplace of each portfolio at any given time. (SC-72.3)

- Another implication of the initial proposal is that reclassification might not necessarily be in the interest of the State of Montana. Without a public process, citizens would have no way of establishing the importance of other values. The attempt is clearly seeking a Special Uses Management Plan based upon the idea of obtaining a "fair market value" of school trust lands in its leases, sale of the lands, or exchanges. It is proposed that economic values become the over riding factor. This determinant could conflict with public opinion, and especially when the greater weight given to economic values rather than to others such as conservation, historic, human, landscape, and natural etc. The danger is that the public does not know the status of each parcel of school trust land at any given time. The temptation is that each parcel of land is to be seen as some sort of investment like and an investment portfolio from an individual who views his/her holdings in the stock market expecting to maximize the value of shares. (SC-72.5)
- How will the agency engage the public? On a project-by-project basis? (SC-78.4)

### **Environmental Effects:**

#### **Socio-Economic:**

- There should be no preference for sale of state land to adjacent landowners (SC-11.1)
- All leases, revenues must be equivalent to what the private sector obtains (SC-11.3)
- Competitive leasing to the highest bidder (SC-15.4)
- No sale of state lands, and trade only when the state obviously benefits more than the requesting party (SC-6)
- Consider long-term values for the future human population as having greater priority than high current market values (SC-33.5)
- Money is a factor, not the factor when evaluating School Trust lands. If an arbitrary amount of 5% return is set as the market value, many leases/licenses will be dropped and the trust will get 0% return (SC-26.2)
- Developments designed to maximize financial returns to the trust may ultimately increase governmental costs to the remainder of the community. The EIS should address this issue of additional costs to the surrounding community. (SC-75.7)
- Does the trust mandate require DNRC to capture full market value of a property when that value includes, for example, exclusive access to adjacent public lands and resources? (SC-75.14)
- The proposed suitability criterion where land is no longer economically feasible to manage for natural resource production needs more clarification. FWP understands the utility of this criterion where, for example, communities have developed around the state parcel. However, FWP has serious concerns if DNRC uses this criterion on parcels where high public resource values and associated public scrutiny of DNRC management activities exist. Marketing such parcels may only add to conflicts that have caused public concerns in the first place. Such lands should be dealt with in other ways and not included in the special uses plan. (SC-75.15)
- A thorough economic analysis of the project should be included in the environmental

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analysis. Losses of ecological integrity should be considered in the economic analysis in terms of loss of habitat and ability of the forests to provide ecosystem services. Although we recognize that it is the policy of the DNRC to conduct a non-discounted economic analysis that does not consider sufficiently future costs or non-commodity values, we believe that the narrowness of the economic analysis is unreasonable given the Mission of the trust to maximize revenue from school trust lands. The future revenue generating, potential of the trust lands must be considered. The proposed projects may not be financially responsible when considering potential future revenue generation. The large-scale soil and hydrology disruptions associated with the development and other special uses may significantly degrade the integrity of the forest and future revenue generating opportunities. (SC-62.2)

- While income generation for school trusts is a consideration in managing trust lands, the Montana Supreme Court has made clear that income generation should not be the only consideration: "Maximizing income is not paramount to the exclusion of wildlife or environmental considerations" (Ravalli County Fish and Game Association v. Montana Department of State Lands, Montana Reporter. 158-907 P.2d 1 '170, September 29, 1995). (SC-62.3)
- An economic analysis of State School Trust Lands states that: The distinction between current cash flow and asset value is especially important to those charged with managing a trust. While a private commercial business may legitimately emphasize current cash flow, treating the long run value of the business as a going concern as a secondary matter. a trustee has a fiduciary responsibility that requires that the long term value of the trust be taken into consideration. A trust is not simply a commercial business. In the context of a trust, it is not unusual to sacrifice a potentially larger current cash flow ill the protection of longer-term asset values (Power 1996). (SC-62.4)
- What is the current amount of revenue generated from special uses? What has been the amount of revenue generated each year over the last 10 years? SC-68.12)
- The State must maintain a diverse portfolio in order to effectively manage the trust in perpetuity. How does the State anticipate maintaining a diverse portfolio? Especially given the requirement that it either gets fair market value for that diversity or is forced to develop at potentially inappropriate times. (SC-68.15)
- What type of market analysis will the State conduct before allowing development of State lands. The State should ensure that any development that is allowed on State lands is appropriate and will generate income in the long-term. Relying on a developer to make these decisions is abdicating the trust responsibility. The State is the only one in such a transaction who has the best interest of the trust in mind. The State should also do its homework before it allows developers to erect permanent structures that the State is ultimately responsible for on State lands. (SC-68.16)
- The State should spell out who is responsible for paying taxes on the property and what those taxes consist of. (SC-68.17)
- How will the State analyze the financial capability, solvency and history of developers and/or lessees? When a new partnership is formed the State should analyze the financial solvency of each of the principles. It should not assume that because it is a new entity that it has no information to analyze. How will the State verify the financial records provided by the developer/ lessee? (SC-68.19)
- How will the State structure leases? What will the term be? How will they increase over time? When will they be renewed? What interest does the original lessee have

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in the renewal process? (SC-68.20)

- All properties should be subject to independent third party appraisals. In house appraisals by the State are useful and have a purpose but the State should verify its calculations using outside professionals. In addition, all comparisons for appraisal purposes should be within the same immediate geographic area and market. Under no circumstances should the State use properties more than 5 miles from the property. (SC-68.21)
- How will the State avoid liability issues associated with some types of potentially hazardous waste generating activities such as gas stations, landfills, dry cleaners, etc? The State should develop a clear system for bonding users/ developers of State lands and a system of increasing bonds over time as more information becomes available. The State should have the ability to increase a bond at any time during the lease. It should not have to wait for lease renewals or periodic reviews. (SC-68.22)
- The State must ensure that each alternative considered is fiscally prudent and the State must fully disclose the costs associated with implementation. For example, an alternative that calls for aggressive development has costs associated with noxious weed control and likely with loss of productivity of the site over time. What about costs to local communities caused by sprawl? These costs must be fully disclosed and objectively analyzed. In some instances, the most prudent path may be one where development does not occur because the long-term economic and social costs do not outweigh purported short-term benefits. While we understand the State is somewhat constrained in their analysis, we believe that this programmatic EIS would greatly benefit from an independent analysis by economist(s), sociologist(s), planner(s), and wildlife biologist(s). (SC-68.23)
- How will the State decide the present value of property versus the value of that same property in 10 or 20 years? Especially for high end residential development? The state needs to look at the overall portfolio and balance the need for some commercial development now versus some set aside open space that will be more valuable for development in the future. (SC-68.24)
- The State has no discussion about management costs or how they will fit into the decision making process. For example, the State of Washington in its plan said that "certain assets have attractive rates of return, but when management costs are considered, the returns are significantly diminished. Life cycle management cost can also significantly affect the net return of a given investment. The financial analysis of alternative investments should include these costs." Montana should incorporate this idea into its decision making process. Managing property costs the State and the trust. That should be included in the calculation of cost and benefit of development. (SC-68.25)
- Where is DNRC's budget to actively and aggressively market these lands and conduct the necessary analysis required under state laws? (SC-69.7)
- Since the fluctuation in market values demands that each parcel of land, or portfolio, is under a constant process of reevaluation, the difficulty is that with more than five million acres under DNRC management becomes a huge project. In fact, the task for reclassification on a continual basis is so huge that the Land Board cannot adequately supervise each portfolio. In addition, the public, or lessee, has no way of knowing the status of economic value of each parcel portfolio at any given time. Then renewal of leases, for instance, becomes a time-consuming process. And this is more so when there is a public conflict pertaining to the meaning of "long term productivity" of each portfolio. (SC-72.4)



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<ul style="list-style-type: none"> <li>• The idea of maximizing "the greatest monetary return" for each portfolio might be in conflict with other values more important to the people of Montana. If economic value becomes the priority, the DNRC then must expect public opposition for each parcel of land. Especially if the public is unaware that a certain parcel of land has been reclassified for special uses. Litigation will be the result each time changes or reclassification of land values for the "greatest monetary return" without informing the public. This can be an expensive burden for taxpayers. (SC-72.6)</li> <li>• The proposal fails to consider the economic viability of development. The DNRC is obligated to manage for economic viability in long term. The agency cannot carry out this mandate without developing a plan for managing the trust assets, developing a framework for evaluation of the highest and best use, designing an economic model for evaluating investment alternatives, and developing a system for comparing actual and expected economic performance of investments and assets. THIS ANALYSIS IS ESSENTIAL. IT IS THE FOUNDATION FOR SOUND FISCAL MANAGEMENT. (SC-78.5)</li> <li>• The original legal mandate of the lands whose management is in question in this plan is to support the public schools by the management of those lands. This is now being interpreted as justifying a policy to "increase" the revenue and "to capture increased land value" by "appropriate special uses" (Issue 1). Are there also increased costs, risks, and liabilities that are part of this effort? Are the costs to local citizens and governments created by a State action being taken into account? Are all these costs being figured in when the "increase" and "capture" are being figured? (SC-70.6)</li> </ul>
<p><b>Historic:</b></p> <ul style="list-style-type: none"> <li>• We urge you to consider the historic aspects of the land, such as historic sites and trails and their long-term value to Montana. (SC-66.3, SC-83.3)</li> <li>• Historic review should include review of community historic records, patterns of local built environment, and local land use plans, if any. (SC-67.3)</li> </ul>
<p><b>Cultural &amp; Aesthetic:</b></p> <ul style="list-style-type: none"> <li>• I understand that DNRC has a fairly progressive policy of prohibiting ORVs except on established roads. Is it possible to carry this one step further and set aside some old-growth and other pristine areas that, although they don't produce revenue directly (like cutting trees), add value in their very existence? (SC-7)</li> <li>• The land suitability analysis should consider natural history, historic and cultural aspects of a parcel, not marketing considerations as listed in Section 2.3.4 of the proposal. Natural history considerations should include slopes, soils, bedrock, ground water, streams, air sheds, wetlands, geologic hazards, portential wildlife habitat disruptions on and off site. (SC-67.2)</li> <li>• Cultural considerations should be especially cognizant of Native American sites. Those sites may be far removed from reservations. Make advance consultation with tribal preservation or cultural offices an established, routine and required part of your review process. (SC-67.4)</li> </ul>
<p><b>Physical Environment:</b></p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Maintain environmental quality of land (SC-15.5)</li> <li>• Destructive uses – RV's, horses, logging in eastern Montana (SC-15.7)</li> <li>• Ensure that long-term ecological impacts are considered for proposed developments (SC-33.3)</li> </ul>

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- How open spaces, natural areas (created by the Natural Areas Act), recreation, and public use areas are handled to benefit the trust without destroying, damaging, developing, or leasing/licensing them for short-term financial gain or incompatible uses (SC-26.1)
- Consider and ensure that development is in the best interest of the community and environment by addressing the ecological impact of development (effects on wildlife, water and air quality) as well as the impacts to local communities (sprawl, traffic and congestion) (SC-31.1, SC-32.1, SC-36.1, SC-38.1, SC-48.1, SC-41.3, SC-42.1, SC-42.4, SC-44.4, SC-46.3, SC-54.5, SC-56.3, SC-57.1, SC-64.2, SC-80.7)
- Identify ecologically sensitive lands and prioritize those lands for protection. For example, lands critical for winter range, adjacent to sensitive fisheries, and imminently threatened by development should be protected (SC-31.6, SC-32.6, SC-38.6, SC-39.7, SC-40.5, SC-41.6, SC-42.3, SC-46.5, SC-54.7, SC-56.7, SC-57.1 and SC-57.3, SC-64.1, SC-65.4, SC-80.4)
- How can the conflicting objectives of natural resource protection and income maximization be resolved? (SC-67.1)
- Existing special uses and trust lands appropriate for special uses should be mapped. (SC-67.8)
- To develop a plan for managing various lands, it would seem to me necessary to inventory what you have. Such an inventory would include at least a description of the location, nature, and current function(s), of the land areas involved, and in each case a characterization of the land's relation to surrounding lands and land-uses, of the way in which it is currently integrated into a context and is currently functioning in relation to its context. In particular, I think of ecological features of the land, which would be broader than any single parcel or set of parcels (does the land have a role in a larger natural area?), and of the socio-economic nature of surrounding land-uses (are those uses dominantly agricultural, or residential, or ... ?). Unless the plan is simply a reaction-guiding document, and not pro-active as a management plan can and should be, a good inventory would seem essential at the start. But I see no sign of it in the present proposal. (SC-70.1)
- We are particularly concerned with the provisions in the proposed alternative for extensive commercial and residential development of school trust lands. The ecological impacts of developing structures on state trust lands should be thoroughly considered. Converting wild lands to residencies represents a long-term commitment of the resources of wild ecosystems and loss of habitat. The long-term ecological and economic impacts of permitting residential and commercial development must be thoroughly considered. (SC-62.5)
- We are concerned that allowing for development may result in the DNRC incurring substantial ecological and economic costs associated with maintaining roads to the structures. Roads often have devastating impacts on water quality and fish habitat by increasing landslides, erosion, and siltation of streams. Roads also fragment forests and degrade or eliminate habitat for species that depend on remote landscapes, such as grizzly bears, wolves, and other large, wide-ranging predators (Trornbulak and Frissel 2000). The habitat fragmentation, erosion, and sediment transport associated with roads is a major threat to the integrity of our forest ecosystems. (SC-62.10)
- The State should require all landscaping on State lands to be energy and water efficient. Attractive xeriscape landscapes should be required. No or limited watering systems should be allowed. If the State has to take over the property, it should not

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<p>have to worry about freezing water lines, dying parched landscapes and water and energy costs. (SC-68.27)</p> <ul style="list-style-type: none"> <li>• The State should require all buildings to be energy and water efficient. The State should require the use of compact florescent lights, low flow water systems, an R-value of 30 or above for building materials, energy efficient windows, solar heating, and low pressure sodium outdoor lighting. The State should encourage innovative designs that maximize energy efficiency. The State should prohibit inefficient building materials, electric heating systems, and inefficient outdoor lighting like mercury vapor lighting or high-pressure sodium. All outdoor lighting should be shielded. (SC-68.28)</li> <li>• All potentially developable properties should be evaluated for environmental constraints and any impacts should be eliminated or minimized. For example, the State should look at: the fluctuations in the water table over the year and in wet and dry years; the impacts from potential uses of the parcel on the quality and quantity of ground and surface waters; the impacts of the use of water on fisheries and wildlife; the air quality of the area and ways to minimize impacts on nearby residents and the air shed; ways to minimize the impacts of noise on residents and wildlife in the area; and ways to minimize the impacts of associated odors from the development. (SC-68.30)</li> <li>• The State could save scarce resources by doing up-front analysis of properties. The State of Washington said in its plan that "environmental analysis of properties before they are formally identified as transition lands leads to environmentally sensitive and cost effective allocation decision, while implementing the program goals.... Identifying and evaluating the environmental elements and the natural resource capabilities on potential transition lands aids the department in determining a range of suitable uses for the land." This makes a tremendous amount of sense fiscally, environmentally and socially and the State should incorporate the idea into its evaluation of parcels. (SC-68.35)</li> </ul>
<p><b>Air Quality:</b></p> <ul style="list-style-type: none"> <li>• All roads on lands developed for residential and commercial use should be paved to decrease dust. (SC-68.31)</li> </ul>
<p><b>Water Quality:</b></p> <ul style="list-style-type: none"> <li>• Development should be prohibited from using septic and well systems. All development should be required to hook into city water and sewer. Variances should be allowed only in exceptional circumstances. If there is no city water and sewer or the parcel is too far from the community then it is probably inappropriate to develop at that time. The State should either conduct or require the developer to conduct an analysis in the extension and adequacy of water and sewer systems that will service the area. The State of Washington recognized that most property that should and would be developed had access to sewer and water. It stated in its plan that urban lands are "...those areas which within ten years are expected to be intensively used for locations of buildings, structures, and usually have urban governmental services." (Emphasis added.) SC-68.34)</li> </ul>
<p><b>Agricultural Land:</b></p> <ul style="list-style-type: none"> <li>• I strongly favor grazing leases (SC-8.3)</li> <li>• We are losing high producing farm and rangeland to developments and recreational projects which may bring in more money but only make us more dependent on other countries to feed us. We all need to take a long hard look at what land will be producing food for our future generations (SC-50)</li> <li>• I recommend putting in place guidelines to protect grazing and agricultural leases</li> </ul>

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<p>from recreational organizations with grant money as we cannot compete on the same level when it comes to the competitive bid process. (SC-73)</p>
<p><b>Forest:</b></p> <ul style="list-style-type: none"> <li>• Maintain Old Growth Forests (SC-16.1)</li> <li>• Prioritize ecologically sensitive lands for protection, especially those that are critically important for wildlife uses and those of unique recreation value (SC-33.2)</li> <li>• The EIS should thoroughly consider the potential impact to old growth of the proposed special use plan. Old growth is an ecosystem state rather than a state of individual trees. Those species that are dependent on old growth ecosystems are primarily dependent on old growth characteristics rather than the presence of large trees. These old growth characteristics include high levels of age class diversity and structural complexity, abundant snags, high levels of soil nutrients, and a rich understory of shade tolerant species. The presence of old trees generally signifies a relatively undisturbed ecosystem. As the DNRC is currently in the process of revising its old growth definition. Forests possessing old growth attributes should not be disturbed until the land board addresses the old-growth requirements of the 1996 State Forest Land Management Plan. All stands within the project area must be compared to the Green et al. definition of old-growth. No logging should occur in stands meeting the Green et al. definition. As the DNRC's old growth technical review committee's report suggests that development of an old-growth network is essential, the DNRC must spatially consider the potential importance of old growth and mature stands in the project area. (SC-62.11)</li> <li>• Please provide a map that identifies state trust lands that could qualify for a 'Special Use' permit and also meet the Green et al. definition of old growth forest. (SC-63.6)</li> <li>• How will this programmatic process affect the retention of old growth forests on state trust lands? (SC-63.7)</li> </ul>
<p><b>Weeds:</b></p> <ul style="list-style-type: none"> <li>• Weed control (SC-15.6, SC-25)</li> <li>• Weed management should be an integral part of this plan. A partnership needs to be established between the Montana Weed Control Association and DNRC to develop a weed management plan to be implemented on all school trust lands. (SC-30)</li> <li>• Information on the management of noxious weeds should be a part of the criteria in the plan (SC-55)</li> <li>• Noxious weeds should be addressed in program goals, objectives, strategies, criteria and processes (SC-59)</li> <li>• How will the State manage weeds on these parcels? How will it prevent noxious weed infestations? What will it do if one occurs? The State should have a system whereby it imposes fines on lessees who fail to control weeds. And the fine should be sufficient to discourage poor weed management. (SC-68.26)</li> </ul>
<p><b>Wildlife Habitat and Open Space:</b></p> <ul style="list-style-type: none"> <li>• No net loss for wildlife habitat (SC-11.2)</li> <li>• Maintain wildlife habitat (SC-16.2)</li> <li>• The Initial Proposal includes the phrase "provided that the trust receives fair market value of the management rights forfeited by DNRC" in considering wildlife habitat and open space. Flexibility should be maintained by DNRC in both considerations. While direct monetary value may not accrue to the trust in every instance, there is immeasurable value in maintaining and promoting wildlife habitat and open space for</li> </ul>

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students, communities and all of Montana. This issue needs further review. (SC-74.2)

- I was pleased to see that open space is one of the existing special use categories. We encourage the state to examine the use of conservation easements and other tools to retain state land as open space as identified in your preliminary program (SC-66.2)
- We are particularly concerned with the potential fragmentation and disruption of biological corridors associated with special uses including development and motorized recreation. Impacts to fragmentation and the functionality of biological corridors of the already heavily fragmented state trust lands should be a focus of the analysis. Habitat fragmentation may result in smaller and more isolated wildlife populations, particularly for species such as Grizzly Bears with demanding habitat needs. Smaller populations are more vulnerable to local extinction, due to stochastic events (Gilpin and Soule 1986). Smaller Populations are also more susceptible to the negative effects of inbreeding depression. Hence, maintaining landscape connectivity is essential to allowing for the replenishing of populations and expansion of the gene pool (Noss 1983, 1987, 1992; Noss and Harris 1986.- Craighead and Vyse 1995; Paetkau et al. 1997, Beir 1993). Fragmentation may substantially alter the microclimate of forests edges as well as interiors (i.e. radiation, wind, and water fluxes). The following fragment parameters determine the degree to which this augmented isolation will affect wildlife populations and ecosystem properties: remnant size and shape, time since isolation, distance from other remnants or an unfragmented block, connectivity, nature of the surrounding habitat (dissimilarity between remnant and surrounding habitat) (Saunders et al. 1991). (SC-62.6)
- The initial proposal states: "Lands that possess attributes of value to wildlife for forage, reproduction, and/or security. On trust lands with unique wildlife habitat values, DNRC may defer management activities to protect wildlife habitat, provided that the trust receives the fair market value of the rights forfeited by DNRC. Examples of mechanisms to secure interests of unique wildlife habitat could include special leases or conservation licenses." We request explanation of the origin of these statements regarding wildlife habitat. While the statement regarding fair market value appears to result from the bill recently passed by the Montana legislature (SB 354), we request that the DNRC clarify this. The DNRC is required to abide by federal laws, including the endangered species act in the management of state trust land. Deferral of lands for wildlife is necessary to meet federal laws and to maximize public benefit of school trust lands as discussed above.
- Please detail the avenues available in the proposal to conserve state lands for wildlife habitat and ecosystem services. (SC-63.4)
- Please provide a map of state trust lands that could qualify for a 'Special Use' permit that are sensitive wildlife habitat core areas or corridors. (SC-63.5)

### **Fisheries:**

- What is the DNRC position on the poisoning of 1-1/2 miles of Carpenter Creek under the experiment funded by Turner's endangered species fund? Montana's wild fisheries will be destroyed. (SC-22.6)

### **TLMD Management Issues:**

- Sale of lands (SC-8.1)
- Conservation leases (SC-8.2)
- Stop trading state land just because it is inaccessible (SC-15.8)

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- Do not sell any state lands (SC-18, SC-22.2)
- Trust lands do not have to be leased, sold or otherwise “disposed of” for our children’s sake. The state government owes our children an education, and it should not be at the expense of the land in their future. We are taking from them to give to them and that makes no sense. (SC-76.1)
- One of the greatest challenges is to insure that special interests do not derail efforts to secure the greatest advantage to the trust beneficiaries. We should consider emphasizing those parts of the program where competitive processes are possible, and avoid as much as possible mechanisms where an open market is stifled. (SC-23.3)
- I don’t support proposals that would promote an increase in permanent disposition of trust lands (permanent conservation easements, purchase/sale of development rights). I suggest we consider these permanent dispositions differently than other special uses. These uses include irreversible and irretrievable commitments of resources and should be approved by the Land Board. (SC-23.9)
- Do not sell any land unless it would earn more money. When you sell land, the money is spent and the land is gone forever. (SC-82.1)
- Who will be responsible for the maintenance on properties and what happens if the lessee fails to do so? (SC-68.33)
- Use of the land should earn the most income possible and comply with local land planning and the highest environmental standards. (SC-82.2)
- How did the Board of Regents get away with selling state lands? (SC-22.2)
- Be sure that trades or transfers of state land are equitable (SC-18)
- Sales should be kept to a minimum and the less development the better – there is plenty of private land for commercial things (SC-29.3)
- A high priority should be conservation easements, greenbelt areas and land close to towns should be used as open space and/or environmental and wildlife areas that are available for study by school children (SC-29.2)
- Inventory, analyze and prioritize those lands most suitable for commercial or residential development, i.e. those lands adjacent to urban areas that can use existing infrastructure. (SC-31.2, SC-32.2, SC-34.1, SC-36.2, SC-38.2, SC-39.1, SC-40.2, SC-41.1, SC-42.1, SC-46.1, SC-54.1, SC-56.5, SC-64.2, SC-65.3, SC-80.5)
- Realization of greatest revenues from those lands and projects which are presently developed (SC-58.1)
- While we support pursuing conservation easements oil DNRC lands, we oppose many of the special uses pursued by the proposed alternatives. The DNRC should not commit resources to promoting development of DNRC lands. (SC-62.9)
- How will the state avoid allowing companies to build buildings that have little to no release value? How will the state avoid a situation that has occurred across the state with the former Ernst stores that have stood empty for years? (SC-68.13)
- The State should develop clear criteria for who controls, and under what circumstances they control, activities on the property. There will be inevitable confusion on parcels of property where the sublessee is controlled by a master lessee, the State and the local government. To avoid conflict the State should determine up-front who has jurisdiction and when. (SC-68.40)
- If state land occurs in an area that has little or no planning nor zoning, then the State should engage in a neighborhood planning process. However, the State could easily avoid the situation that occurred in Kalispell. Instead of doing the neighborhood plan

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itself, it should engage the help of the local government and commit itself up-front to complying with the Plan that the local government designs. If the State fails to engage in this level of community planning then it will be faced with suspicion by the community and the local government. (SC-68.41)

- The State should avoid getting involved in single-family residential development. However, there may be sections of state lands that are most appropriate for residential use. The State should develop a system whereby land that is most appropriate for single-family residential use can be traded for other lands of equal or greater value. (SC-68.49)
- Are school trust lands also to be managed for the benefit of the public? (SC-68.56)
- How will the agency ensure that the proposed development benefits the local community? (SC-78.3)
- The State has not indicated how it will allocate scarce resources in the event of competing demands. The State must establish some way to prioritize projects. For example, if there are 6 people who approach the State at the same time and want to develop parcels of land across the state, but the State does not have the ability to move forward with each proposal simultaneously, how will the State chose among projects. Some type of relative prioritization scheme should be established before this type of conflict occurs. Perhaps the State should adopt a system like the state of Washington did in which in 1968 and again in 1974, it developed a Resource Allocation Plan in which it attempted to project future uses of trust land. It designated land Current Urban, Urban 1980 and Urban 2000. Such a designation scheme would help the State prioritize properties for development, allocate scarce resources, and assist in planning and decision making. (SC-68.61)
- In contrast to the inevitable conflicts with local plans and competition with private businesses that aggressive urbanizing of state trust lands will create, DNRC can manage trust lands to benefit local governments in a number of instances. Local governments often have a difficult time finding property that is environmentally and politically suitable for such essential community purposes as water and sewer treatment plants, or for landfill or solid waste transfer stations. If a tract of state trust land is located in a suitable area, DNRC can greatly benefit a community struggling to locate a necessary facility by trading or leasing a parcel to the community. Also, one of the biggest problems in Montana communities, especially growing communities, is providing affordable housing for low and moderate income families. The shortage of affordable housing exists because of strong markets for constructing high-end housing and/or high market prices for land. On trust lands that may be suitably located, DNRC could provide a genuine public good by working with local officials and builders to devise plans and arrangements for constructing lower-cost, affordable housing. Such thoughtful, coordinated use of state trust lands for local benefit would be in stark contrast to profit-driven urban development that can thwart local objectives. (SC-81.6)
- Should DNRC initiate an urban development proposal, or should DNRC wait for a community to propose development of trust land? (SC-81.12)

### **Technical and/or Editorial Comments:**

- The Montana Audubon and Flathead Audubon are currently negotiating a lease/license on the only state natural area. We are also aware of the back door attempt by Bill Crismore and Cary Hegreberg to eliminate the natural area. They are very closely associated with Missoula and DNRC, and this scoping looks like a smoke screen to divert attention from that issue. Maybe not, but it looks that way to

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me. Special uses on natural areas are considerably different than on cabin sites or grazing leases. (SC-13)

- I would like some specific and real examples of present and future activities on school trust lands which may or may not occur based on your EIS process. (SC-19)
- I see this process as a great opportunity to more effectively manage school trust land for the benefit of the beneficiaries and the citizens of Montana. (SC-23.1)
- I am concerned we take full advantage of the opportunity to be creative and to chart new direction for special uses. I encourage you to fully utilize our existing staff to develop creative ideas. (SC-23.2)
- There may be a need to differentiate management of trust lands vs. other state land – such as the bed of navigable waterways or administrative sites. (SC-23.4)
- I wish greater consideration would be given to compatible mixtures of uses. I don't have a good suggestion in this regard, but I do know that we manage special uses on timberland and we manage timber on special use lands. Each programmatic plan needs to recognize and accommodate other programmatic plans. They are not entities unto themselves. (SC-23.8)
- There are two primary pressures that could lead to unwise land use choices:
  - One is a continuation of pressures to develop ever dwindling land in Western Montana
  - The other is the politically based scramble to fund state programs by realigning state income sources (SC-33.1)
- Thanks for doing this (SC-28)
- Clearly state that full market value is not the only consideration when determining management plans for lands for open space, recreation, wildlife and aesthetics (SC-31.8, SC-32.8, SC-34.5, SC-38.7, SC-39.3, SC-40.7, SC-41.7, SC-44.1, SC-46.7, SC-54.6, SC-56.2, SC-57.2, SC-64.5, SC-65.7, SC-80.3)
- One of the greatest values of these lands into the future is not short-term monetary return but the open space and ecological values that are increasingly threatened by commercial uses and development. (SC-35.1)
- Special uses for wildlife habitat, open space and water and soil conservation should receive high priority consideration in the planning (SC-35.2)
- Preservation of natural, open spaces (SC-58.2)
- Would like to see more integration of policy among state, federal and private lands regarding OHV and recreational use (SC-37)
- Development of school trust lands is not always in the best interest of the community (due to increased traffic, sprawl and congestion) or the environment because of the effects on wildlife, water and air quality. (SC-39.4)
- I have three grandchildren so I hope that while you are getting fair market value for those 5.2 million acres, you consider the aesthetic value as well. Once the natural vegetation is destroyed, my grandchildren will never get to enjoy that land no matter how much money DNRC gains (SC-49)
- My concern is that in assigning a dollar value to these 5.2 million acres, the government will not take into consideration the real value which has nothing to do with money. Real value supports all of life physically, emotionally and spiritually and does not have a dollar value. Please consider the effects on at least seven generations in making decisions (SC-51)
- I am personally uneasy with the State expanding their role beyond natural resources management. In our current democratic system, capital is, for the most part, held



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and managed in the private sector. The public sector limits itself to regulation of those activities for the public health, safety and welfare. The state becomes involved in capital matters to the extent of market failure. There is no market failure demonstrated to justify provision of residential, commercial and industrial uses on trust land. Becoming involved in land development constitutes unfair competition to private sector individual taxpayers. The goal to maximize revenues could more appropriately be provided through other methods of diversification (SC-52)

- I am very concerned about changes that could be harmful to our towns and quality of life (SC-57.7)
- Balance carefully the necessity for increased revenue against the irreplaceable value of Montana's open lands – especially those situated along rivers. Not only do we need to preserve them for the sake of their natural inhabitants, but we need them for the peace and tranquility they provide for our souls. (SC-58.3)
- Define land banking, what the objectives are, and how local communities would benefit. (SC-67.7)
- FWP believes balancing the trust revenue mandate with the insurance of long-term productivity of the land is a critical concept. A clear definition of long-term is important, as it will likely drive the preferred alternative. Many special uses could generate increased income for the trust but may adversely impact the long-term health of natural resources and surrounding the state parcel. The preferred management program should benefit the trust and citizens of Montana. (SC-75.2)
- In the most general terms we understand DNRC's desire to improve the efficiency of the decision making process for Special Use Permits. It is important to AWR that any changes in the special use permit issuing process will work to conserve Montana's valuable natural resources. Fundamentally, a plan that streamlines the analysis process while simultaneously aiming to increase revenue stands to have a negative impact on these resources. At this point it is difficult to determine how the proposed management plan would make the permitting process more efficient. The preliminary proposal seemed to emphasize commercial and residential development with a strong emphasis to maximizing profit. If this is the intention of the programmatic approach, the Alliance is wholly opposed to it. (SC-63.2)
- DNRC's land use decisions will significantly and permanently impact how many communities develop in the future, and whether or not a community: 1) retains its historic character, vibrant downtowns, and local businesses, 3) maintains its quality of life, 4) efficiently uses local land, water, taxes, and other resources, and 5) insures that transportation and affordable housing are available to all of a community's residents. (SC-65.1)
- All decisions for whether or not to develop trust lands for commercial, industrial, or residential development should consider the following criteria: Proximity to existing infrastructure and urban areas; Impact on transportation congestion and access for non-automotive transportation; Cost of providing local services including but not limited to schools and busing, emergency services, and police; Impacts on water quality and quantity including both surface and ground waters; Impacts on air quality; Impacts on wildlife habitat; Existing agricultural land classification, usage, and potential agricultural use; Proximity to the wild land-urban interface and 100 and 500 year flood plains; Cumulative community impacts including community services, schools, infrastructure, traffic, etc. (SC-65.5)
- It might be helpful if the EIS includes some succinct definitions. At a minimum the following terms should be defined: land banking, trust management portfolio, portfolio

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management functions, purchase and transfer of development rights, short-term and long-term (as used on page 37 of the scoping document), subsurface water rights (page 40). (SC-68.59)

- Some examples of DNRC development activities (both successes and failures) would be instructive. (SC-68.60)
- These lands are determined to be sold or exchanged we believe the first opportunity should be to the federal government or other conservation buyer to ensure these lands remain in public ownership and the wildlife habitat, water quality and other values are protected. (SC-69.10)
- Almost invariably, when private land developers or public land managers pursue a single-minded goal of maximizing revenues or profits, the resulting development undermines, diminishes and conflicts with other community values or public interests. Owners of private property in Montana enjoy certain legal and constitutional rights, and local government struggles to balance protecting private property rights with protecting public values. However, those same legal and constitutional property rights do not attend to public lands, and the public land managing agency must be held to a higher level of sensitivity to community values and needs. It is simply wrong for a government agency, such as DNRC, to develop the public lands within its charge in any way that would injure local citizens and communities or diminish or conflict with local plans, interests and assets. (SC-81.1)
- In nearly all situations, trust lands considered for urban development will be located on the outskirts of an existing community. Generally, urban/suburban development on the outskirts of an existing community will exacerbate suburban sprawl - increasing suburban traffic, creating strip development, requiring costly extension of public services, weakening central business districts by pulling downtown business to fringe-area commercial development. All of these results adversely impact communities and local citizens. No matter how well an urban development might be designed on a tract of trust lands, if the location is improper, or is in conflict with local plans, the effect can be adverse. (SC-81.4)
- DNRC proudly points to its proposal on Section 36 north of Kalispell, but that case is a classic example of development on the fringe of a city which likely will deteriorate local values and assets. The DNRC proposal will increase the notorious traffic congestion on Highway 93 and will undermine the vitality of the Kalispell downtown, which Kalispell has worked so hard to develop and cultivate. Kalispell has an excessive amount of commercial and industrial lands allocated within the planning area, and the DNRC proposed development will only worsen that problem. Even though local officials amended the local comprehensive plans to accommodate the DNRC proposed development, the department has not obtained subdivision approval or zoning approval - claiming exemption from local zoning and subdivision regulations as a state agency. It took a lawsuit by Kalispell citizens to halt DNRC's development proposal that would conflict with and harm local community objectives. (SC-81.5)
- Local government land use planning and management in Montana not only is imperfect, often it is simply ineffective. But it works as well as it does because local elected officials - accountable to local voters - make the decisions. DNRC's unelected employees have no business making land use decisions that can so impact local communities and residents. Although the members of the State Land Board are elected on a state-wide basis, those persons do not have the commitment or accountability to local residents that local elected officials usually have. (SC-81.8)

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- Overall, the proposal for the management plan has considerable merit in several regards. Some plan is needed, some overall vision and some strategies for achieving the end for which the lands were originally given. The willingness expressed in this plan-proposal to attempt to achieve the end by working closely with local government agencies and the people of the affected area is very commendable. But I think that the particular vision that is presented in the proposal in its current form is too narrow in its focusing in on revenue and monetary return as the meaning of "support" for the schools. And I find troubling the fact that while environmental concerns are mentioned the tone of the document indicates that they will not be given much weight in fact (they will be 'considered' indeed, and if some law forces conservation or pollution control or environmentally protective measures they will of course be done, but...). I am very sorry to hear that, because I think education and the environment have a close and mutually reinforcing connection. (SC-70.10)

### Appendix D:

- In Appendix D - Course Filter Process the Department outlines the process for determining classification of lands. This process needs significant clarification. Generally, we are concerned that there is not much weight given to the issue of social acceptability/ level of controversy of a given project. More specifically we have the following questions:
  - How were the relative weights established?
  - Why is Tier II property lumping "lands with long-term" potential with lands with "no potential for development"? These are, or should be, two very different outcomes.
  - Why are water rights necessarily critical for development? It seems that the best case scenario would be if a developer could hook into city water and sewer and the existing system has the capacity to service the proposal.
  - There may be qualitative issues that are important but are not factored into this analysis.
  - Why are environmental laws impacting the property considered such a huge detriment? Giving this much weight to this factor does not make sense. There could be a situation in which a parcel is located in an air shed that limits the quantity of a pollutant that can be emitted. But that does not mean that the weighting should be skewed against developing that parcel. There could easily be less polluting projects or alternative ways of designing a project that would be superior and less polluting.
  - Under "LEGALLY PERMISSIBLE" "Leases," what does it mean when it says "No lease 1; lease not precluding alternative use 2?"
  - Under "Encumbrances," what would cause the ranking of a 2 versus a 4?
  - Under "PHYSICALLY POSSIBLE" "Infrastructure" why does "more than 5 units or one commercial" rank lower than "less than 5 units or 1 commercial"? Why does developing a septic rank lower than developing a treatment plant? It might be that for a large development, developing a treatment plant might be far preferable environmentally than allowing septic. What does "sewer developable" mean? Does this mean the State can hook into city sewer? The State should analyze whether the city has the capacity to handle the additional burden.
  - Under "PHYSICALLY POSSIBLE" "Contaminated /Hazardous Sites /Landfills" it might be worth the State's effort to encourage thorough clean-up and subsequent development of contaminated sites. The State and federal governments have

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<p>consistently encouraged brownfield developments. Perhaps this should be considered in the ranking criteria?</p> <ul style="list-style-type: none"> <li>▪ Under "PHYSICALLY POSSIBLE" "Water Availability" the state should consider the capacity of the city water system before it simply ranks it so low.</li> <li>▪ Under "PHYSICALLY POSSIBLE" "Geologic Features" will the state also consider the variability of the water table? Will the State only analyze a snapshot in time or will it consider differences that occur between wet and dry years, spring and fall?</li> <li>▪ Under "PHYSICALLY POSSIBLE" "Lease Improvement" what does the state consider improvements?</li> <li>▪ Under "PHYSICALLY POSSIBLE" "Floodplains" the state should identify which floodplain is appropriate. The State should prohibit all development in the 100-year floodplain at a minimum and the 500-year floodplain in most circumstances.</li> <li>▪ How does "Administrative Factors to Consider" fit into the analysis? What do positive and negative ratings mean? Is MEPA positive, negative or no impact? This entire page doesn't make sense.</li> <li>▪ How does the flow chart on page 38 fit in with the flow chart on page 50? Are these processes sequential? Concurrent? Integrated? Or independent? (SC-68.42)</li> </ul> <ul style="list-style-type: none"> <li>• Once the State completes its analysis described in Appendix D, it should designate parcels for development and keep track of those changes in a database where the public can access the information. Washington State's plan says that it will "designate suitable trust land as urban land at intervals not greater than once every two years." The State should review designated or reclassified land periodically or as new information becomes available. Is there a system for changing a particular classification? Citizens should be allowed to petition and ask for a change in classification. The Board should then be responsible for changing the classification. (SC-68.45)</li> </ul>
<p><b>Appendix J</b></p> <ul style="list-style-type: none"> <li>• Appendix J. is a dangerous matrix, as it vastly oversimplifies the location suitability of different types of land uses. It may be for illustration purposes only at this stage, but it is exactly the type of evaluation tool that can be inadvertently abused. As one example: There are many rural areas where single-family residential development would be totally inappropriate. (SC-47.7)</li> </ul>

## **Comments Received from TLMD Personnel**

### **Personnel/Department**

- Diverse, well-trained (and paid) staff is capable of dealing with ongoing changes and challenges of land management
- Increase skills of our own staff
- Unifies Divisions and Bureaus
- Better staffed, better trained organization
- Next touchy/feely session at Lone Mountain Ranch – they cover per diem – i.e. we start getting paid for production/worth
- Adequate funding and FTE
- Implementation strategies and organizational skills can transfer to other programs
- DNRC provides leadership in planning and development in the state “flagship”
- Successful implementation would increase morale across the Division
- Clear direction to a “haphazard” program

### **Trust**

- The obvious; Trust income will be increased
- Maximize Trust revenue while contributing to sustainable communities and natural resources
- Legitimizes trust mandate with public
- Increased income to the trusts. Increase land area.
- Meeting goal of the trust, making money while protecting environmental impacts
- Show me the money (Trust)
- Increase Trust assets and/or value
- Increased benefit to trust through responsible management
- Contribute to the Department meeting Trust obligation
- Balanced portfolio provides the optimal long-term revenue for the Trust

### **Public Relations**

- Bring a positive change to community
- Having alliances with county, city, legislative, etc. officials resulting in win/win situation
- Establish relationships/presence
- Increase working relationships between staff and other agencies
- Clear vision needed for public and staff
- Divert public opposition from other programs
- Improve relations with cooperators and public
  - o Good results
  - o Make visibility of Department positive
- Allay current fears and uncertainty
- DNRC viewed as a “good neighbor”
- Public believes DNRC doing the right thing

- Public understand what special uses do and how they generate income
- Build trust and support with public and strengthen partnerships within the local community, which leads to more and better opportunities
- Bring legislature along, so legal and policy structure would actually support income generation and development
- Able to successfully implement special uses and integrate our other programs with public and internal “buy-in”

## **Resources**

- Trust land management is compatible with community development
- Looking at management of Trust lands as Trust land managers supporting each other
- Natural resources management opportunities maybe enhanced in growth areas due to effective local planning processes
- Decrease dependence on extractive resources
- Results in better planning for, and use of trust lands
- Rape and pillage does not happen
- Efficient use of resources to minimize impact of natural resources and maximize revenue for Trust
- Still manage resource base and maintain that value
- Achieve economies of scale. Big bang for small use of land
- Move forward – pay for existing non-authorized use – capture value taken advantage of by adjacent landowners

## **Economy**

- We capture revenue opportunities by timely development with local community development. (Example: scattered sections north of Billings)
- Promoting statewide economic development
- Reduce risk to our asset base
- Generating jobs and improving local economies
- Spin off benefits include reduced individual property tax load, with an increase in total tax revenue
- Implementation results in compounding leverage economically
- Generate money for school system, make smarter kids lower
- Lower tuition rates
- Allows us to remove bad stewards from our asset base
- Diversify our asset base, while addressing changing needs in our communities/economies
- Diversify portfolio
- If plan is successful, increase success to other programs
- Market driven asset management programs
- Fully diversified/integrated asset management portfolio (Ag, timber, minerals, special uses)

## Planning

- Poor planning (short term vision) reduces or eliminates management opportunities for multiple use or supplemental income from adjacent lands
- Models used could be inaccurate and could cause more risk
- Need to spend time to consider the projects and not (just dive into it). Good planning, good implementation
- No flexibility – plan needs to be flexible and change with the times
- When planning/implementation process is being driven by politics rather than the programmatic plan
- Because of previous statement (lack of expertise) end up with poor planning and project not followed through
- We cannot move too fast. Set reasonable expectations/goals
- There are so many test to be done, that we end up not accomplishing anything

## Personnel

- Lack of training that prepares us adequately for negotiation with state and non state customers
- Polarization of bureaus and division staff
- Added workload
- Generate expertise and train staff
- Not having enough training – resources, time and training to bring program along
- Need same skills, training, etc as those we deal with (realtors, developers, lessees – like Lowe's)
- People in the field can not do what they think they are\
- Lack of expertise of staffing or lack of staffing (team visions)
- We may need more Tommy B's

## Department

- Charge forward without adequate staffing and end up doing a haphazard job
- We have a good plan and vision but Department of Natural Resources (DNRC) lacks the protocols, policies and laws to efficiently accomplish the goals
- Alienation and loss of cultural values, extra workload without additional money
- Difficult to implement if employees/staff don't believe in plan
- No follow-through on expectations because of limitations on expertise and resources
- Current workload is high – decrease in productivity in existing programs with shifting emphasis
- Bureau will move forward without field
- Expecting people with full time jobs already to add this work without anything falling off plate. Not enough FTE to do the job

- How do we actually implement this with current resources? We can't implement the plan
- Focus of new/current resources to develop plan, but they aren't adequate to implement it.
- Integration with other programs is a goal, but actually may further alienate Bureaus by pushing this program
- Not enough monies in the FTE's
- Forestry Division interferes with program duties
- Additional work load with no additional Field FTE
- FTE's who do this work have disciplines that are not in this field = training
- We have to have implementation training for the statewide SU plan that means everybody at all levels must participate

## **Resources**

- That a large percentage (unknown % = 10% too large?) of forest land will be subdivided for residential use
- Effective administration strategies are not implemented resulting in environmental and economic train wrecks
- Concerned about 60/20/10/10 – current Ag land already doesn't fit well – CRP now being lost to grazing. We will rape and pillage resource to get it into 20% Ag land. Current policy conflicts with vision.
- Displacement of cultural/historical/traditional uses
- Statewide priority setting associated with the 60/20/10/10 will likely "water-down" certain programs – example: move resources from "timber" to implement 1% to 10% move in special uses, while increasing timber at the same time from 9% to 10%
- Changing basic mission from natural resource management to real development
- With development comes a cost that may not be cost effective. ("Cost may outweigh benefit".)
- Lack of specialist input may require the special uses to contract for wildlife, soils, etc...currently contracting fund available.
- There is no money to develop those parcels
- We get hoodwinked with conservation
- Potential for competition with commercial, private sector and lessee's for high value parcels
- Easements and can not manage our lands in the future or have management limitations

## **Public/Community Relations**

- The vision is significantly altered or squelched as a result of political influence
- Failure to maintain public support resulting in the demise of the program
- Agency buy-in and public perception
- High expectations from public and internally to produce results where we don't have the necessary expertise



- Legislative reluctance – lack of acceptance from legislature
- Not bringing everyone along with it – County Commissioners, legislators, resulting in conflict and not meeting their goals
- Potential to create information culture based on haves and have nots
- No buy-in by special interest groups
- Require a huge public relationship effort that includes local government, special interest groups, and all players

### **Economy/Trust**

- Future trust land managers are left with economic and environmental liabilities
- Alienation of traditional users of State Trust land
- Foregoing future revenue producing opportunities
- Reduction of short/long term revenue generation
- Not to fulfill mandate to generate maximum Trust revenue
- Solve the funding concerns of implementing this
- By going forward with the S.U vision we will increase the social political negative effect on maximum asset value

### **Training**

- Adequate training. “I want to know what I’m supposed to do and how to do it”.
- Train key staff in negotiation skills
- Increase people’s skills and training with commitment to implement by Agency
- Provide appropriate training to maintain corporate culture

### **Public Relations**

- Presentations of draft plans at MACO or similar organization to generate support
- Identify a relatively few low risk project and closely with communities to develop common goals to build confidence and partnerships
- Get buy-in – build constituency base with community leaders, legislators, etc
- Involve legislatures and communities at earliest opportunities
- Using public involvement (MEPA) process to make decisions regarding actions made by the Department will show that the public is choosing final decisions about state land
- Establish communication/involvement mechanisms with local government entities
- Partner with other agencies to meet their goals and ours
- Involve local community at all levels
- Work closely with local communities to develop common goals
- A good public information and participation program
- Educate public as to what we do

## Planning

- Goals and objectives that fit allocated FTE and dollars
- A good inventory of current Trust assets and the value or constraints for management.
- Look at what's on our plate now and see if makes sense to keep doing or what to do to change that.
- Seek help from other states and learn from their success/failure
- Develop an asset management plan
- Investigate other successes
- Plan flexible enough to accommodate big picture issues, planning future and implement changes. We can be proactive
- *Plan that recognizes; raises visibility and if it's positive result could be good*
- *Improve relationships with cooperators, public, achieved positive employer growth*
- *Plan legitimizes land, public looks at state*
- "Out of box" thinking – flexibility in programs and thinking
- Inclusive process: 1) public; 2) local government
- Clearly defined outcomes, goals, objectives and rewards
- Establish economic successes as a base to build confidence as a Department, create partnerships and dissolve distrust
- Identify by various strategies that reduce administrating workload, provide opportunities to leverage one development to the next development
- Make our processes as transparent as possible to all (public, employees, politicians and wizards).
- Provide real guidance on how to implement the plan "on the ground".
- The strategy would identify needs and prioritize projects
- We are creative and innovative in planning and implementing "high end" developments
- Incorporate and exploit our investment in technology in our planning and implementation effort

## Communication

- Effective administration communication (policies, etc) and personal communication (respect, listen, value, etc.)
- Good public participation process/ internal participation
- More face-to-face contact with LGU's (Planning offices, County Commissions, councils, etc)
- Solicit input from affected parties and track our responses
- Build consensus/support among all the players
- Good relationships/communications with all (Agencies, Interested Parties)
- Keep it simple!!!!
- Improve communication – empower field
- Establish communication/involvement mechanisms with local government entities

- Educate (Internal/External)
- Need to brief others
- Keep all interested parties in the loop at all phases
- The strategies that will foster the best outcomes would be information gathering and sharing with both internal and publics to create buy in and allow the process to move forward with trust resistance
- Create an information distribution system to get information to field and field information
- Communication with players, utilized best trained personnel for the job

### **Project Management**

- Good project selection procedure/criteria
- Well thought out implementation tools
- Well thought out projections/expectations
- Prior to release of final E.I.S. develop a system for distribution and implementation of the E.I. S. to include mandatory orientation and training to those working in the program
- Prioritize projects
- Monitor implementation – working? Management expectations? Adjust
- Bring people on board with the proper expertise and experience
- Seek partnerships with developers both for projects and on a political basis
- Implementation plan will need to be completed enough to indicate “Go/No Go” before completion of PEIS
- Defined goals and ideas of projects of public prior to identify goals and ideas of Department
- Timelines, funding and Task Force in place to carry out plan
- First project have big probability of success
- Get in “buckle-up/shut-up” and learn from mistakes
- Early identification of projects that have a high chance of success
- External resources – consultants
- Develop reasonable goals/expectations based on current ideas and value that set the foundation for us to succeed. The expectations are the key to success and they must be developed at a small scale considering local values. Once developed, intense promotion of these expectations must be conveyed to public, other agencies, XXXX, legislators, etc prior to implementation. Once committed, follow through of these must be completed.
- Diligent evaluations of proposed exchanges that logically show conclusion to Helena

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### **Funding**

- Increase in qualified FTE or funding for contracted services
- Pay people what they're worth
- Take advantage of good deals

- Funding mechanism/strategy developed from receipts
- Obtain funding
- Source of money for improvements
- Capture seed money for implementation emphasizing past success
- Try to get ahead of the curve and have adequate funding to take advantage of opportunities before other capitalize on the opportunity
- Have Bud lobby legislature for more money
- Have Bud lobby national legislature for money for specific programs available.
- Encourage public to lobby local legislators to support program with money
- Get ceiling XXXX raised to accommodate collecting a “special User XXX? Fee” to foster development of priority infrastructure. Go into next legislative session and request one million dollars seed money to kick it off. (Justify by successes, Lewis and Clark succss; Spring, Prairie and bypass; Hampton Inn in Great Falls, sale of lots in Billings, etc.)

### **Policy**

- Develop agency policy and procedures that facilitate proposed actions but realize the need to retain flexibility
- Policy changes
- Supporting legislation, rules, policies
- Programmatic plan, policies and legislative support in place which support our vision
- Align: policies/procedures/rules/regulations/laws
- Policies and procedures in place before beginning
- Bureau Chiefs/Division Administrator and Director continue to identify policy evolution need and legislative support to meet objectives

### **Personnel**

- Be flexible/adaptable/open-minded
- Have fun
- Attitude changes
- Attract these people from the private sector with comparable compensation
- Good honest communication within the organization with no hidden agenda

### **Management/Organizational**

- Program Managers, Bureau Chiefs and Area Managers must involve affected people in their management decisions
- Visions must be supported by realistic implementation plans and adjusted to match approval and funding
- We have organizational flexibility to respond to markets
- Need core staff of specialists
- Dedicated discipline staffing

- Convert from an “all hands meeting” to an “all hands agency”
- Include strategy for orientation of new employees specific to the plan
- Open to all possibilities
- Contract private services to reduce workload
- Clear vision and direction
- Break down global vision and short-term goals start slowly
- All on the same page, continuity (state wide important)
- Provide incentives to other Bureaus for support
- Core staffing of specialists
- Dedicated staffing to minimize conflicting workload
- Administrative support of a common vision that clearly articulate a team or partnership relationship towards achieving objective for special uses
- We trust and respect each and act accordingly
- We foster a culture of appropriate risk taking
- All field staff to be committed to leadership decisions

### **Resources/Trust**

- Each land office has technological support to get it done right
- Use money from the sale of conservation easements to purchase Plum Creek or other land
- Sole status vs. exchange status
- Address how to determine whether to sell, lease, easement
- Have we identified transitional lands?
- Evaluate deferred exchange lands with access, whether we have it or not
- Identify relatively few easily developed trusts (low risk)
- Enlist land trusts to run and fund projects that are mutually beneficial
- Availability of a source of money to improve entitlements on property